

THE GLASS CEILING FEMINISTS WON'T DISCUSS

THE AMERICAN Prospect

LIBERAL INTELLIGENCE

DECEMBER 2005

ZZ Packer:
Blacks & the GOP

Richard Parker on
Gene Sperling's Rx

HE'S DONE

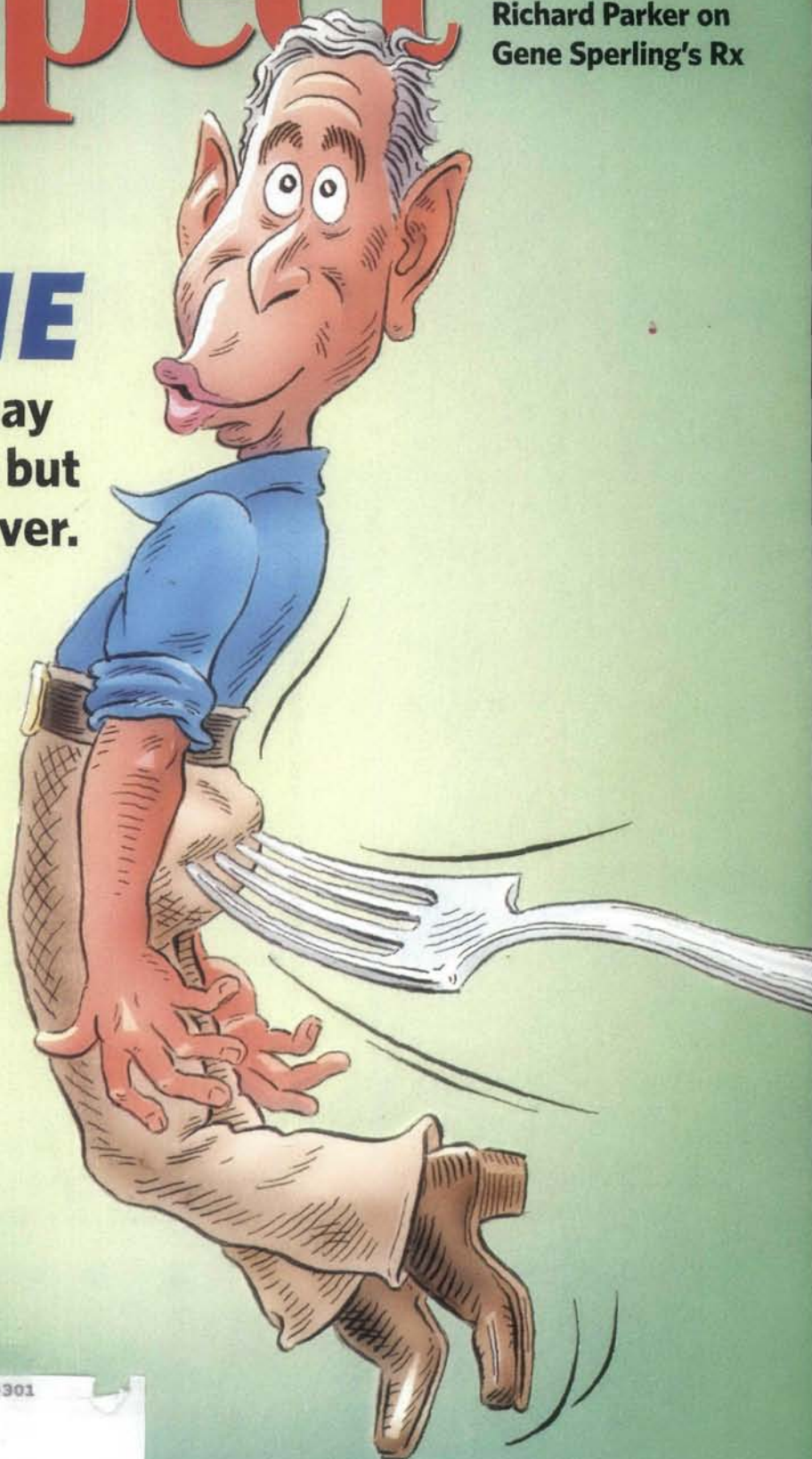
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"Beware of the words 'internal security,' for they are the eternal cry of the oppressor."

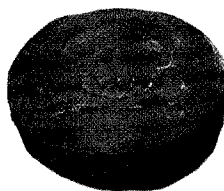
— VOLTAIRE

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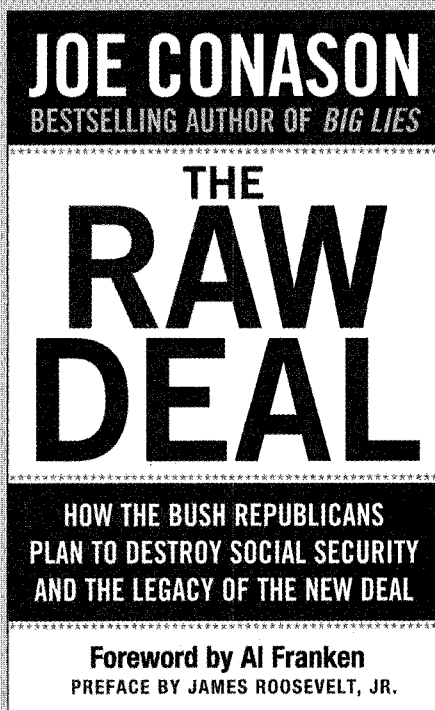
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The Right Fight

MANY DEMOCRATIC STRATEGISTS CONTEND THAT a battle to block Samuel Alito's elevation to the Supreme Court is the wrong fight at the wrong time. The Bush presidency is in trouble on so many other fronts: the deceptions that misled the nation into war,

the disastrous war itself, the spreading stain of corruption, the bungling of Katrina, the defection of moderate Republicans from the Bush tax and budget program.

Given this self-inflicted Republican collapse, why pick a fight that could make Democrats look divisive and obstructionist? Why make *Roe v. Wade* the fulcrum of American politics? Why not concede Alito's confirmation, and fight on stronger ground? Why invite the charge of abusing Senate procedure with a filibuster?

Herewith a dissent. As the full record emerges, it's clear that Alito is a hard-line right-winger, and not just on abortion rights. *Roe* may loom too large in American politics. But Alito has been dreadful on numerous other issues. The far right is not cheering because Alito is some kind of moderate in conservative's clothing.

And of course while Chief Justice John Roberts filling the late William Rehnquist's seat is one conservative succeeding another, Alito would replace Sandra Day O'Connor, the swing vote not only on *Roe* but on the Michigan decision preserving affirmative action, on restraining money in politics, on Congress' ability to legislate family and medical leave, and dozens more issues where Alito would likely go the other way.

Given these realities, and coupled with the substantial weakening of the Bush presidency, it would be a huge mistake for Democrats to let Alito sail through and just get out of the way. Several Republicans may well oppose him on the

merits, depending on what else comes to light before and during the hearings.

Moreover, the dynamics of a filibuster are markedly different now than they were last summer, when a bipartisan "Gang of 14" narrowly averted Senate Majority Leader Bill Frist's "nuclear option" threat to change the Senate rules to prohibit filibusters on judicial appointees. After the sacking of Harriett Miers, the Republicans have lost any moral high ground on the always contrived claim that every nominee deserves an up-or-down vote. Dozens of Clinton appointees were denied a floor vote. Poor Miers was denied even the courtesy of a hearing. So any claim that Alito deserves a floor vote would reek of hypocrisy.

The Democratic willingness to use procedural rights and the plain arithmetic of holding a filibuster and preventing the nuclear option have also improved. If the Democratic caucus decides to oppose Alito, Senate Minority Leader Harry Reid will have the necessary 41 votes to filibuster. And a weakened Frist will not likely muster the 50 votes needed to change the Senate rules, as Republican moderates distance themselves from the hard right.

To shore up Democratic resolve, the country needs to be educated on the

stakes. Alito is sympathetic to the libertarian "Constitution in exile" movement, which embraces a pre-1937 view of Congress' right to regulate. Thus, Alito would likely restrict federal legislation in a wide range of health, safety, environmental, labor, and consumer safeguards that protect ordinary Americans. With his deference to the power of the executive, Alito would endorse the erosion of precious liberties. Even if he did not vote to overturn *Roe* outright, he would support loopholes that would invite mischief at the state level, energizing anti-abortionist pressure on state officials and effectively denying reproductive choice to more women, especially low-income women.

Politically, Alito represents a craven capitulation to the right, at a time when most Americans have turned away from the Bush agenda. The standard complaint is that the Democrats need to be clearer about what they stand for. What better moment to demonstrate clarity, unity, and resolve than in standing against a judge that the far-right imposed on George W. Bush?

With Bush's popularity plummeting, Democratic senators in swing states should have nothing to fear in voting to block this nomination.

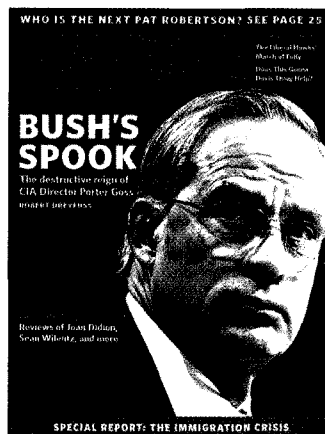
It would be appalling if the leadership gave Alito a pass and we had another case of Senate Democrats splitting 22 to 22, as they did on Roberts. That would signal neither clarity nor unity nor resolve.

Most importantly, this is not just another tactical vote. This is about the Supreme Court. By

this time next year Republicans may be the minority in one or both houses, and Bush will be gone by January 2009. But a Bush Supreme Court would be the gift that kept on giving—long after the public had rejected Bushism. Far from a fight to be ducked, the Alito nomination is a chance to show liberal resolve and stop the far right from taking over the country. **TAP**

— ROBERT KUTTNER

***With Bush reeling
on other fronts,
why fight Alito?
Because this
right-winger
can be beaten.***



*This article ... had
a streak of barely
suppressed ad
hominem attack
running through it.*

— ADAM DAY
VIA E-MAIL

products out of our shopping carts, we can take a stand in favor of environmental justice and reduced suffering for everyone—be they red or blue, urban or rural, human or animal.

GOWRI KONESWARAN, ESQ.
Program Manager,
Farm Animal Welfare,
The Humane Society of
the United States
Washington, DC

Funnily enough, I agree. I feel like insulting the liberal hawks, too, but in the article you guys nailed the argument so well that the simple truth probably would have been insult enough.

So: great argument, disappointing packaging.

ADAM DAY
Via e-mail

Animal Matters

AS CARL POPE APTLY points out, a commitment to environmental protection may be the common thread that ultimately unifies our divided population ["A New Environmentalism," October 2005]. The question that begs an answer, however, is how much each of us is willing to do to uphold those universal values Mr. Pope refers to as "fairness, responsibility, health, and safety."

In his introductory anecdote, Mr. Pope alludes to a significant yet often overlooked cause of environmental degradation in our country: factory farming. The people who suffer the most direct harms of this practice are the countless rural Americans who are forced to abandon the outdoors or breathe poisonous air because they live near industrialized animal-production facilities. Those responsible for factory farming's environmental degradation range from the corporations in whose hands ownership is consolidated to the governmental entities that ignore or quietly sanction their actions to the consumers who purchase the eggs, milk, and meat produced by these factories.

According to the Environmental Protection Agency, factory farms produce three times more raw waste than humans generate. The massive quantities of manure produced release noxious emissions of gasses, such as ammonia and hydrogen sulfide, which threaten air and water quality and endanger the health and safety of workers, as well as the community. Those who live near these facilities suffer myriad ailments, a fact that led the American Public Health Association to pass a resolution in 2004 urging officials nationwide to adopt a moratorium on factory farms.

Warehousing tens if not hundreds of thousands of animals, factory farms subject the chickens, pigs, turkeys, and other animals raised for food to numerous abuses. These animals endure intensive confinement, physical mutilations without painkillers, and genetic manipulation to increase production, often at the expense of their welfare.

Every meal we eat provides a chance to demonstrate our concern for the environment and those who suffer as a result of unsustainable and irresponsible practices. By opting to keep factory-farm

Tone It Down!

THE INCOMPETENCE Dodge" [November] is truly an excellent argument. Much like the writers, Sam Rosenfeld and Matthew Yglesias, I am a proponent of humanitarian interventions that never saw Iraq as one but nonetheless find myself surrounded by hawkish liberals who did. For many reasons I would have loved to forward this article to all of them, but I didn't, or rather couldn't. As you all well know, liberal hawks are by this stage almost too defensive for their own good, and this is a very prickly topic for them.

This article, though cogent and compelling, had a streak of barely suppressed ad hominem attack running through it—from the headline ("dodge"?) to accusations of excuse-making and onward to name-calling ("neo-conservatism at best"?), right up until the dismissive conclusion about learning that George W. Bush is a bumbler. I could not send this to my liberal-hawk friends because they would have found the tone and peripheral commentary insulting, despite the great power the core argument may have had to influence their outlook.

We're Trying

I FIND THE AMERICAN Prospect the most informative source that I read regarding political issues, but I must point out that Garance Franke-Ruta's "All Together Now" [November 2005] is in error in describing our GOP incumbent Heather Wilson as "previously unopposed." She has had opposition in every election in which she has run, most recently by former state Senator Richard M. Romero, who ran against her in 2002 and 2004.

Wilson is, in my opinion, a most wily politician. She makes a show of being a moderate by voting against a few Republican-sponsored bills when she can be assured that they will pass without her vote, claiming that the Republican leaders in the House accuse her of being too Democratic, but usually votes following the party line. As a protégé of our Senator Pete Domenici, she has strong party support and is said to hope to succeed him when he retires. With three-plus terms of seniority in the House, she will be difficult to defeat in a small state that values length of service for influence in Congress and in a district that, although having a Democratic majority, has elected as her predecessor

sors two Republicans.

Despite all this, I am willing to predict that Patricia Madrid will be a strong opponent should she be our Democratic candidate.

DAVID M. BRUGGE
Albuquerque, NM

Uh, Bob?

I AM A NEW SUBSCRIBER TO *The American Prospect* and I find it to be a breath of fresh air. It wasn't until the last page of the November 2005 issue that I found a view expressed that runs contrary to my liberal democratic views and perhaps requires further clarification. I am referring to the ninth point in Robert Reich's 10-point manifesto, "The Last Word: A Covenant with America," endorsing an educational voucher system usable at any "publicly certified school" (which I take to mean "accredited").

The educational voucher system that I am opposed to is one that: 1) causes tax dollars to be diverted from our public schools, thereby diluting the quality of public-school education (because the fixed cost of maintaining and staffing our public schools does not decrease proportionately with enrollment), 2) causes the composition of public-school classes to become less racially diverse (especially with the decline in "busing" programs, as we have experienced in South Florida), and 3) results in indirect public funding of parochial schools in conflict with the anti-establishment clause of the U.S. Constitution.

I would appreciate further clarification of Mr. Reich's

ninth point, because merely making the vouchers progressive, as he suggests, would not address the above concerns.

ALAN GIBBONS
Delray Beach, FL

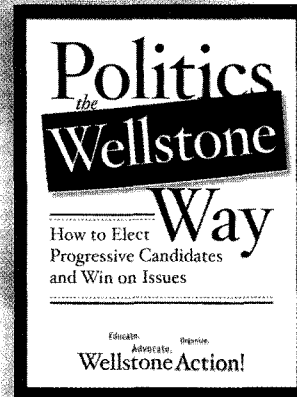
Robert B. Reich responds:

The progressive vouchers I recommend wouldn't take money out of public education (they could be used only for publicly certified schools that accepted all applicants or relied on a lottery if too many), would make the composition of schools more diverse (white schools in upper-income areas would need \$15,000 voucher kids from poorer, often black or Latino communities), and would not be available for parochial education. Most importantly, they'd give poor kids a far better chance than they're getting now.

Clarification: A table accompanying the article "The Defectors" [October] identified 15 Democrats in Congress who voted with big business and the White House on several key "pocket-book issues." While the article clearly defined one of those issues—tort reform—as legislation that limits the right of average Americans to sue for damages, the table did not. Congressman David Wu's office requested that we distinguish this bill (which he supported) from a medical-malpractice bill (which he does not support.)

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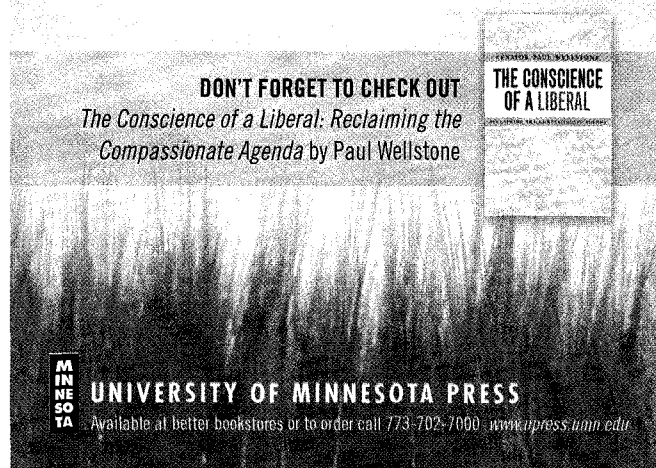
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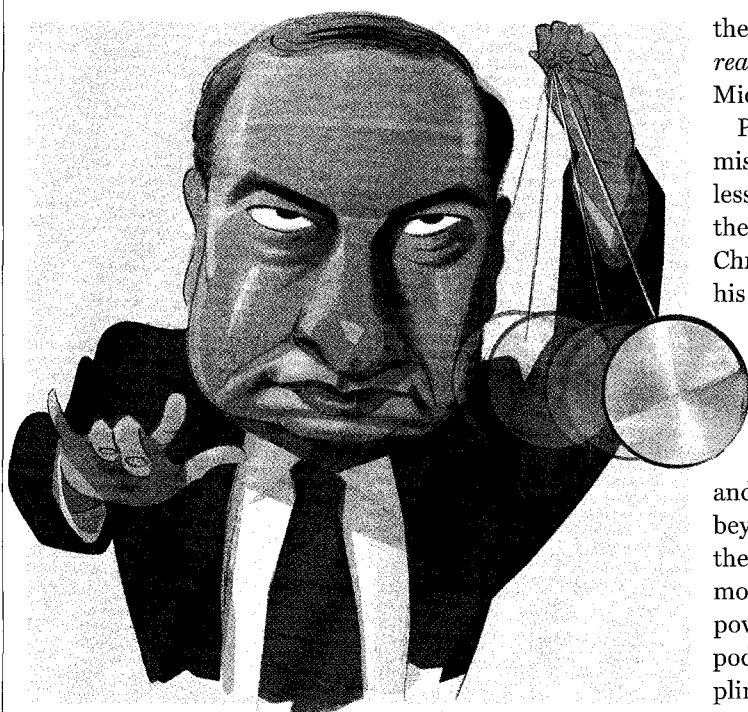
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—Senator Tom Harkin

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Devil in the Details



CHALABI-PALOOZA

THE CONQUERING FABRICATOR has returned. On November 9, Ahmad Chalabi, the notorious Iraqi exile who fed a hungry Pentagon and hungrier press corps fantastic tales of Saddam Hussein's bristling arsenal of weapons of mass destruction and joint ventures with Osama Bin Laden, was greeted as a hero at Washington's most influential pro-war think tank.

Escorted by a phalanx of Secret Service officers and D.C. police, Chalabi, once president of the dissident Iraqi National Congress and now deputy prime minister of Iraq, strode triumphantly into his den of true believers.

Chalabi-fest at the American Enterprise Institute (AEI) was about to begin.

Inside the plush conference center, a beaming Michael Rubin, AEI fellow and former aide to Iraq viceroy Paul Bremer, bounced around like a 6-year-old at Hanukkah. Fellows Danielle Pletka and Reuel Marc Gerecht stood on the side of the room exchanging smiles. And over by the cookie table, Laurie Mylroie, the terrorism "expert" and certifiable wing nut who believes that Hussein was behind the Oklahoma City bombing, was overheard telling a colleague, "The problem is,

there are so few people with *real* knowledge of the Middle East."

Praising Chalabi for his misinformation might tax a lesser institution, but not the AEI. Institute President Christopher DeMuth said his friend "did more than any other man to advertise to anyone who would listen the horrors of the Saddam Hussein regime, its clear and present dangers to those beyond Iraq's border, and the urgent necessity of removing Saddam from power." Chalabi, taking the podium, returned the compliment: "Before many people recognized the need of the Iraqi people for change of government, AEI did. And they provided for us a forum from which to launch our political campaign."

The only grumpy people in the room seemed to be the journalists. Chalabi's lecture left little time for questions at the end, and many hands were left raised. Nonetheless, at the tail end of the Q & A session, a reporter from the Cox News Service sneaked in one final "so whatever happened to those weapons of mass destruction you promised us?" jab, to which Chalabi replied, "This question is pregnant with implications."

Odd imagery, that—but at least for once I knew he was telling the truth.

— MARK LEON GOLDBERG

NAVAL GAZING

EVERY NEIGHBORHOOD has its own target demographic. By the exit of the Metro station near my house in a predominantly African American area of D.C., we've got posters for 50 Cent's new movie, *Get Rich or Die Tryin'*, and BET's show *Ultimate Hustler*. At Farragut North, near the *Prospect's* offices downtown, a series of Charles Schwab ads exhort me to "Ask Chuck" all my financial-planning questions. Further east, at the Capitol South station, the billboards feature this year's must-have accessory for congressional staff: the latest in offshore-intimidation naval weaponry.

Opposite a sign informing onlookers that "Indian Gaming Plays by the Rules" (if you need an ad saying you do, you probably don't) a white ship cruises past a wooded shoreline above the mysterious slogan "This is What Littoral Dominance Looks Like."

At first glance, littoral dominance looks a bit like one of those tacky yachts bound to draw complaints from the wind-powered WASP old guard down at the club. In fact, "littoral" means "near the shore." As for "dominance," the Pentagon's "Joint Vision 20/20" report, released in May 2000, proclaimed "full-spectrum dominance" to be the goal of the U.S. military. Since then, all procurement

projects must be justified as leading to “dominance” of something or other. The ship that ensures our littoral dominance carries the rather unimaginative name Littoral Combat Ship (LCS). And the ad touting the ship is a window not only into Washington’s unique marketing culture but into the Navy’s post-September 11 intellectual crisis.

Since 9-11 defense spending has gone up, but the burdens of combat operations have overwhelmingly been borne by the Army and the Marine Corps, forcing the Navy to craft novel rationalizations that justify why it should continue to be the best-funded branch of the service. Since nobody will agree to fight us on open seas, littoral dominance is how we prepare for offshore warfare, and the LCS will also preview new technologies designed to be deployed on the still-in-the-works—and even more expensive—DD(X) destroyer.

The intended enemy for all this is China, though what our troops are supposed to do after disembarking on the Chinese coast is a bit unclear. Robert Kaplan’s June 2005 *Atlantic* opus “How We Would Fight China” hypothesized that the LCS might be used “indirectly, given the variety of dysfunctional Pacific Island republics that are strengthening their ties with Beijing.”

The Navy’s seafaring brethren in the Coast Guard

may have hit upon a superior approach. Ads in the same Metro station for the Guard’s new Deepwater System simply note that it’s built in 41 different states, guaranteeing 82 Senate votes and a steady funding stream without the need to start invading any islands.

— MATTHEW YGLESIAS

DANA ROHRBACHER, AUTEUR

ON NOVEMBER 4, THE *Los Angeles Times* reported that Orange County Representative Dana Rohrabacher had opened Capitol Hill doors to a movie producer, Joseph Medawar, interested in ginning up political support for a proposed TV series about the Department of Homeland Security. The news that Medawar is now facing a 23-count indictment for defrauding investors on this apparently bogus project may embarrass Rohrabacher; the news that Medawar won Rohrabacher’s assistance *after* having paid him \$23,000 for an option on a screenplay the conservative Republican had written may just endanger him. Watchdog groups dutifully cried foul and called for investigations into this apparent quid pro quo.

But incidents of Republican congressional corruption are a dime a dozen these days. What sets

New Orleans’ population before Hurricane Katrina was 462,269 ... Today, 138,026 households, or two-thirds of the 2000 census population, are still **forwarding their mail** to new addresses ... The city’s **budget** for 2004 was roughly \$16.8 billion ... It operated a deficit that year of approximately **\$600 million** ... According to the 2004 Current Population Survey, the **average per capita income** in New Orleans was \$4,309 less than the U.S. average of \$24,020 ... The total city **workforce** in 2004 was 213,323 ... In October, Mayor Ray Nagin laid off **3,000 city workers**, nearly half of New Orleans’ public employees ... Last month, New Orleans suffered an unemployment rate of **14.8 percent** ... Before the hurricane struck, 23.2 percent of New Orleanians were living below the **poverty level**, compared with 13.1 percent nationwide ... The **rebuilding** of the city is estimated to cost \$200 billion ... So far, the federal government has **allocated** \$62.5 billion in disaster relief ... The Federal Emergency Management Agency (FEMA) has awarded \$2.3 billion in **contracts** for Katrina recovery efforts ... No-bid contracts and limited-competition agreements make up 15 percent of the total ... The Shaw Group of Baton Rouge received a \$100 million contract to **pump floodwaters** out of New Orleans ... Former head of FEMA and George W. Bush’s chief of staff in Austin, Joe Allbaugh, is now a lobbyist for Shaw ... Private security firm **Blackwater USA** obtained a \$400,000 contract to guard FEMA construction sites ... Blackwater employees have been authorized by state officials to **carry loaded weapons** on city streets ... In a bidding process that usually takes 30 days, Boh Brothers Construction won a contract to rebuild the Interstate 10 Lake Pontchartrain Causeway in **four hours** ... Purchase limits on government-issued **credit cards** given to federal employees were raised from \$2,500 to \$250,000 to help pay for hurricane-related expenses ... About 250,000 federal employees have the credit cards, which in previous audits were found to have been used to pay for **prostitution**, gambling, and breast implants ... 29 **conventions** slated to be held in New Orleans next year have been canceled ... Three-quarters of the **city’s restaurants** remain closed, and \$1.5 million in tourist revenue has been lost **each day** since the levees failed ... **Private donations** related to Katrina total more than \$2.2 billion ... Most of the **Red Cross’** \$807.8 million share of that figure will go toward short-term aid ... An estimated 20 percent of affected Louisiana residents are in need of **psychiatric care**.

Rohrabacher apart from his peers isn't his influence peddling but his artistic inclinations. The former journalist and Reagan speechwriter has penned several screenplays over the years, any one of which would surely provide an antidote to the standard left-wing Hollywood fare if ever a producer *not* facing the possibility of lifetime imprisonment saw fit to bring it to the big screen.

The script Medawar bought is an action adventure called *Baja* centering on a Mexican archeological mission carried out, according to the *L.A. Times*, by the film's conservative Gulf War veteran hero and "his antagonist, a liberal graduate student." Rohrabacher has said that the story symbolizes "the anti-war, pro-war divide in our country," and indeed, meditations on

war and peace recur throughout the congressman's filmic output (that is, unproduced scripts). In the 1980s he shopped around a romance set during the French Resistance called *The French Doctoresse*, which raised a few eyebrows for its oddly positive depiction of Adolf Hitler. (The führer generously releases the doctoresse's imprisoned husband in the climactic scene, then lightens the mood by making her the guest of honor at "a French-style dinner.")

A 15-page treatment for a third Rohrabacher script popped up, of all places, in the John Roberts papers released by the White House prior to the judge's Senate confirmation. *The Killing Zone* is a Cold War thriller featuring an American journalist in Prague named Bob Turner. By story's end, following healthy doses

of commie fighting and randy sex with an Eastern European starlet, heroic pro-American Czech dissidents have managed to puncture Turner's tough exterior and rekindle his inner idealism. And Rohrabacher makes sure to include some subtle-yet-pointed swipes at the decadent American press. "We believe you now understand the value of freedom," the plucky dissident leader tells Turner. "This world needs more journalists who have such an appreciation." So true.

— SAM ROSENFELD

DRUG BENEFICIARY

WITH THE NEW Medicare prescription-drug benefit proving an ever more byzantine boondoggle, one would understand if AARP, the bill's most important supporter when it was enacted, wanted to guide its members through this thicket. But AARP seems to have decided that the current mass confusion provides the perfect setting to turn a quick buck.

The intrepid Internet explorer who discovered this scheme was Graham Walker, a third-year student at Stanford University's School of Medicine and proprietor of the blog *Over My Med Body* (www.grahamazon.com). Interested in geriatrics and concerned by the bewilderment of his father and grandmother, the social-policy-major-cum-doctor decided to puzzle through the new Medicare drug benefit's structure himself.

Googling "Medicare part D," Walker was relieved to

find an AARP Web site tacked atop the results. www.AARPMedicalRX.com was brightly colored, clearly written, and attractively laid out. It was also wholly misleading.

Walker noticed something awry when the "Learn" page on the site turned out to be a pitch for one particular drug plan, which made no reference to the myriad other plans now rushing to market. As the program's ostensible *raison d'être* is to provide consumers a choice among competing providers, this seemed a bizarre omission for an educational page.

Turns out, though, that this No. 1 Google page is not an educational page—it's not even AARP's page. In fact, AARP sold its name to United HealthCare Insurance Group, which then created a Web site and paid for it to be the first entry on Google. So it is that seniors (or their more tech-savvy descendants) searching for information on the new Medicare expansion are greeted by a familiar name affixed to a Web page that deliberately obscures the nature of the program in order to sell visitors on a particular plan. It was only by downloading a PDF from the Web site that I could find any mention of consumer choice at all.

So, to recap: AARP provides the crucial support for a plan that establishes choice, then it explains the plan to its members by mischaracterizing it as a single-payer option, and the payer whose plan it touts forks over a tidy sum in return.

Phew! And people complain about the oil companies ...

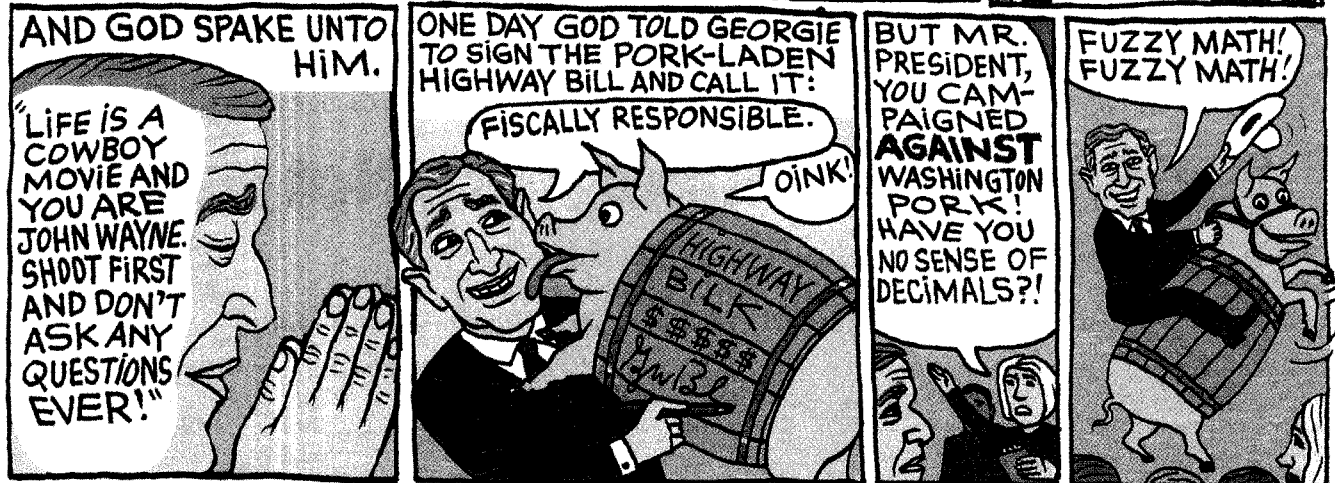
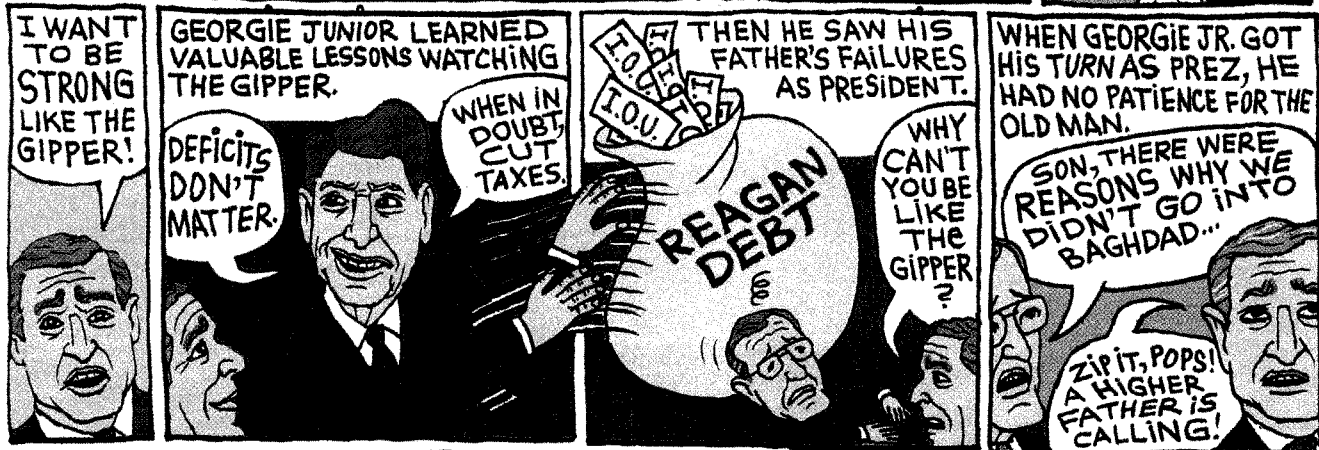
— EZRA KLEIN

TRANSCRIPT

George W. Bush, Veterans Day Speech, November 11: While it's perfectly legitimate to criticize my decision or the conduct of the war, it is deeply irresponsible to rewrite the history of how that war began. Some Democrats and anti-war critics are now claiming we manipulated the intelligence and misled the American people about why we went to war. These critics are fully aware that a bipartisan Senate investigation found no evidence of political pressure to change the intelligence community's judgments related to Iraq's weapons programs. ... The stakes in the global war on terror are too high, and the national interest is too important, for politicians to throw out false charges. These baseless attacks send the wrong signal to our troops and to an enemy that is questioning America's will.

Republican National Committee Chairman Ken Mehlman, NBC's *Meet the Press*, November 14: It's fine to dissent, it's fine to object. But to make politics your bottom line in this critical war on terror, in the central front in the war on terror, sends the wrong message to our troops, to the Iraqi people, and to the terrorists.

National Security Council Chairman Stephen Hadley, CNN's *Late Edition*, November 13: And it is unworthy and unfair and ill-advised, when our men and women in combat are putting their lives on the line, to relitigate an issue which was looked at by two authoritative sources and deemed closed. We need to put this debate behind us. It's unfair to the country. It's unfair to the men and women in uniform risking their lives to make this country safe.



"THE METH EPIDEMIC ...AMERICA'S MOST DANGEROUS DRUG"

-- *Newsweek*¹

METHAMPHETAMINE CRISIS: HYPE OR FACT?

"This is the beginning of a classic scare where you have horrible anecdotes substituted for epidemiological evidence and the media going with these easy stories," says Dr. Craig Reinerman of the University of California. "You don't want to mistake the worst case scenarios for the norm but that is what happens and it's true of every drug scare."²

IS USE EXPANDING?

The federal government's own numbers show that "Incidence of methamphetamine use generally rose between 1992 and 1998. Since then, there have been no statistically significant changes."³

HOW MANY METH USERS ARE THERE?

About 5% of Americans older than 12 have tried the drug. About 0.3% have actually used it in the last month, versus 0.1% for heroin and 1.0% for cocaine.⁴

CAN METH BE TREATED SUCCESSFULLY?

Research shows successful treatment requires a significant commitment of time and resources as well as patience.^{5,6,7}

HOW BIG IS THE "HOME COOKING" PROBLEM?

Illegal activity is tough to measure but some officials estimate that about 20% of domestic meth consumption comes from the small-scale domestic labs using cold medications and other household materials.⁸

HOW EFFECTIVE ARE RESTRICTIONS ON "HOME COOKING" CHEMICALS?

Since Oklahoma restricted the sale of cold and allergy medicines officials report a 90% drop in meth lab seizures. Unfortunately the Mexican cartels immediately filled the gap. Seizures of a purer, smokeable form of methamphetamine known as "ice" are up 500%.⁹

Policy Should Reflect Facts, Not Hype!

COMMON SENSE FOR DRUG POLICY

H. Michael Gray, Chair; Robert E. Field, Co-Chair

www.CSDP.org, www.DrugWarFacts.org, www.DrugWarDistortions.org

1. Newsweek, Aug. 8, 2005. 2. "The Methamphetamine Epidemic – Less Than Meets The Eye," Drug War Chronicle, Aug. 5, 2005. 3. Results from the 2003 National Survey on Drug Use and Health, SAMHSA (2004). 4. Ibid. 5. Rawson, Richard A., et al., "A multi-site comparison of psychological approaches for the treatment of methamphetamine dependence," Addiction, No. 99, pp. 708-717. 6. "The Matrix Model of Outpatient Stimulant Abuse Treatment: History and Description," Obert, Jeanne L., et al., Journal of Psychoactive Drugs, April-June 2000. 7. Methamphetamine Treatment Project at <http://www.methamphetamine.org/>. 8. Commissioner Michael Campion, Minnesota Department of Public Safety, US House Subcommittee on Criminal Justice, Drug Policy & Human Resources, June 27, 2005. 9. "Stopping Meth Makers Hasn't Stopped Oklahoma's Meth Problems," AP July 28, 2005.

Dispatches

"Additional images from Abu Ghraib would drum up emotions. But there's no evidence that their release would harm U.S. soldiers."

— PAGE 14

NET EFFECTS

Netroots activists are liberal firebrands? Tell that to Sherrod Brown.

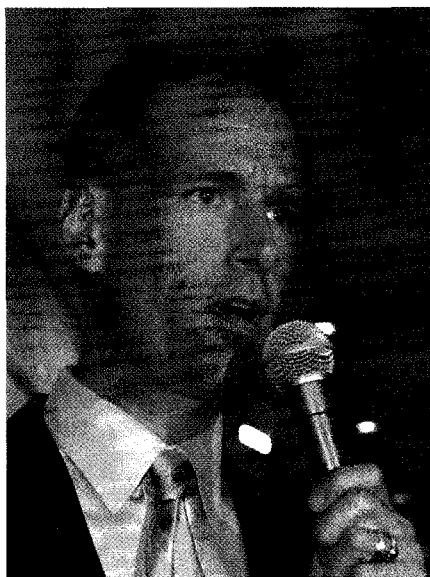
BY EZRA KLEIN

IT'S NOT EXACTLY RARE TO SEE THE blogosphere in an uproar. But the recent row between supporters of Paul Hackett and backers of Representative Sherrod Brown, who are vying for the Democratic nomination for senator from Ohio, was a bit odder than most. In this fight, the "netroots," the term for the blogosphere and the online activists who populate it, has come out against a committed liberal and natural ally in favor of a brash Iraq War veteran with a more conservative bent and a paltry political record.

Five years back, few cared which way the netroots swung. A loosely connected confederation of hyper-partisan activists, they were considered the 21st-century equivalent of that weird guy who attends every city-council meeting and can barely contain himself until the floor opens for questions. But over the course of the 2004 cycle, the netroots funneled tens of millions of dollars to various candidates, sometimes single-handedly making quixotic candidacies in unfriendly districts financially viable. From Howard Dean all the way down to Ginnie Schrader (a Pennsylvania-based adoptee who narrowly lost a congressional campaign), the netroots proved themselves political players, and began to be treated as such.

That said, there was little reason to expect their involvement in this contest. Brown is arguably the most prominent elected Democrat in Ohio. More important to the stereotypical netroots participant, he's an unabashed liberal. Earlier this year, he led the fight to reject the Cen-

tral American Free Trade Agreement (CAFTA), rendering a Republican president's trade deal nearly unable to clear the Republican-controlled Congress—no mean feat coming, as it did, months before Ronnie Earle pried apart Tom DeLay's hammerlock on the House. That's par for the course with Brown, one of the House's most effective, articulate



Blog Heaven: Paul Hackett

spokesmen for progressive causes. A Cleveland Democrat, Brown is pro-gay marriage, pro-gun control, pro-labor, pro-choice, pro-universal health care—and unabashedly active on all these fronts, Ohio's reddish tinge be damned.

Making his policy positions even more impressive is the fact that he's a proven winner. Since taking his seat more than a

decade ago, he's racked up ever more imposing margins of victory, outperforming both Al Gore's and John Kerry's electoral hauls by more than 10 percent. He's sponsored Grow Ohio, a grass-roots organization dedicated to reviving Ohio's fractured, weakened Democratic Party, and tapped a variety of prominent liberal bloggers to help with the effort's online component. In short, he's exactly the sort of Democrat that progressives are constantly complaining the party hasn't enough of.

Hackett, by contrast, is a tough-talking Marine major who returned from Iraq last year and promptly found himself the object of the liberal blogosphere's heated infatuation. Hackett, who'd been honorably discharged five years earlier, volunteered in the summer of 2004 to head to Iraq. He next asked to be transferred to Fallujah, then the country's most dangerous insurgent stronghold. Upon returning to the States, he once again entered hostile territory, vying for the Ohio congressional seat opened up by Republican Rob Portman's nomination to be the U.S. trade representative. The blogs *loved* him.

This was a seat, representing Ohio's blood-red 2nd District, that Portman had held since 1993, routinely racking up vote totals north of 70 percent. The special election to fill his spot, which took place last August, was supposed to be a joke. The Republican nominee, Jean Schmidt, a former state representative, chair of the Greater Cincinnati Right to Life, and avid marathoner, was expected to lope out an easy victory lap en route to a landslide victory. Then Hackett showed unheard of appeal and unexpected fight, and the blogs adopted him as a favorite son, raising more than \$500,000 and providing a host of volunteers for the final get-out-the-vote effort. Brown, in fact, contributed staff, notably Tim Tagaris, a well-known blogger and online organizer. Hackett lost the election, but the newcomer's ability to

turn an expected coronation in a crimson district into a nail-biter with a 4-percent margin of victory established him as one of the party's rising stars.

So when nearly every one of the state's prominent Democrats, Brown included, publicly passed on the chance to challenge Ohio's embattled Republican Senator Mike DeWine, speculation—online and off—was that it was Hackett's race to run. He gladly took up the challenge, even purchasing an RV to use as a base of operations for the campaign, a transportation decision reminiscent of the late Paul Wellstone's legendary green bus. But then Brown changed his mind, bursting Democratic unity with the prospect of a bitter primary between two beloved sons.

Online, Hackett—a proud populist who didn't support withdrawal from Iraq until a month ago and whose social tolerance is couched in anti-government, "leave 'em alone" language that extends as surely to guns as to gays—quickly established a clear lead. Markos Moulitsas Zúniga, the

800-pound gorilla of the blog world (Daily Kos), has professed neutrality but suggested that Hackett should withdraw from the race. His readers disagreed, and, in a poll, came out for Hackett 84 percent to 15 percent. Similarly, Jerome Armstrong, who runs MyDD.com and has consulted for Brown, penned a post drawing on his experience with the congressman to make the case for his candidacy. But even there, a survey of his readers gave Hackett nearly 60 percent of the vote.

Who are these Net-based activists? Brown, who's advertising across a range of blogs, dismissed them as a stereotype, telling me, "The bloggers who support Paul are out of state ... it's the people in San Francisco and Seattle." Truth is, Zúniga is in Oakland, and there really are no prominent bloggers in San Francisco or Seattle. And the netroots involved in this race certainly don't fit the long-standing picture of the online political community as some sort of hippy demimonde composed of ultraliberals determined to drag the Democ-

rats far to the left. In the online polling over Ohio, what's surprising about the netroots is how little ideology seems to matter. They're really interested in winning and, more to the point, fighting for an agenda they appear to have decided Hackett can better carry out.

A quick rundown of candidates they've thrown significant support to illuminates the point: Howard Dean, a free-trading budget hawk who had the virtue of appearing ready to throw a punch at Joe Lieberman or George W. Bush, whoever stepped in range first; Wesley Clark, a retired four-star general with no domestic record to speak of and an unclear stance on the war; Stephanie Herseth, a South Dakotan representative with a lukewarm 55 percent from Americans for Democratic Action; Brad Carson, a candidate for Senate in Oklahoma with an anti-choice, pro-business voting record. The list continues. What these candidates have in common is not a commitment to liberal policy making

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but an assumed ability to win and a demonstrated willingness to fight. There are no ideological litmus tests here, only pugilistic ones.

The reality of this was best expressed to me by Bob Brigham, an outspoken Hackett supporter, prominent blogger, and key Hackett adviser during the special election campaign. When I asked him about Hackett's reversal, now favoring withdrawal from Iraq, Brigham mocked the argument as "policy bullshit!" What matters, in other words, is not the policy but the image. And if Hackett appeared a critic of the war, in this age of media candidacies, that—not his policy preferences on the issue—is what counts.

Moreover, Hackett is a friend of the blogs. In our conversation, he told me, "I just like them. I'm not afraid." It's a sentiment that may explain blogger Lindsay Beyerstein's oft-quoted argument for Hackett: "When you get down to brass tacks, Hackett is an invaluable ally—he loves the blogosphere, understands how

to harness the power of the blogosphere, and perhaps most importantly, he owes the blogosphere."

Lindsay, in fact, may be voicing the most rational blogcentric argument for Hackett. The netroots are behaving as an interest group of sorts, supporting not the candidate with the most ideological overlap but the candidate most likely to give them a key to the congressional washroom. And that's fine. But the question remains, assuming they can help elect Hackett and others like him, what will they demand in return? It's all well and good to have your calls answered, but is the point really just to chat?

Blogs are getting ever more powerful. As fund-raisers, as kingmakers, and as opinion leaders, they're being taken seriously. But at some point Democrats will win, and the netroots, after the victory glow wears off, will have a very tough question to answer: What, exactly, do they believe? And, more importantly, what do they want? **TAP**

PICTURE THIS

Can the ACLU pry more Abu Ghraib photos from the government?

BY TARA McKELVEY

IT'S POURING RAIN OUTSIDE AMERICAN Civil Liberties Union (ACLU) staff attorney Jameel Jaffer's office on an October afternoon, making the room dark and chilly, and Jaffer holds up a legal document so a visitor can get a better look. In the document, a 23-page affidavit filed on July 28 in the U.S. District Court, Southern District of New York in Manhattan, General Richard B. Myers, chairman of the Joint Chiefs of Staff, explains why releasing additional Abu Ghraib photos through the Freedom of Information Act (FOIA) is a bad idea. Yet there's little to be seen of Myers' argument on the page—regardless of the lighting in the room.

In fact, whole sections of the affidavit filed in the civil suit, *ACLU v. Department of Defense*—and in particular pages 16, 17, and 18—are blank except for ghostly,

dotted lines and the words "Redacted" and "[SEALED]." Another affidavit, filed in the federal court on the same day and signed by a former State Department deputy assistant secretary, Ronald Schlicher of the Bureau of Near Eastern Affairs, got similar treatment: Chunks of white space and "Redacted" are found on 12 of the 18 pages, and seven pages are completely blank.

The ACLU lawsuit aims to pry a set of photos from Abu Ghraib out of the Defense Department, and the affidavits include much of the government's argument for withholding them from public view. Government lawyers have argued that releasing the additional photos could incite riots in Muslim countries and put U.S. troops in danger. Still, that doesn't explain why the arguments in the suit against releasing the photos can't be seen by the

public. "It's a kind of secrecy creep," says the ACLU's Jaffer. "Not only are the images secret but the reasons for keeping the images that way are also secret—or were."

Jaffer and his colleagues, Amrit Singh of the ACLU and Megan Lewis of the New Jersey-based law firm Gibbons, Del Deo, Dolan, Griffinger & Vecchione along with several other lawyers, demanded the release of the briefs sans Wite-Out after they were filed. Judge Alvin K. Hellerstein partly agreed, and the Defense Department refiled the affidavits in expanded form on August 29. The passages that were redacted because they had posed a threat to national security don't seem particularly dangerous. Instead, they run the gamut from the banal to the "embarrassing," says Jaffer, standing over the affidavits and pointing out the previously deleted sections to a reporter.

In a section of the sealed affidavit in the ACLU suit, General Myers lays out part of the reasoning for withholding the photos, saying, "Our democratic idea of public accountability—the airing of misdeeds by government officials and employees in order to hold government to the highest standards of conduct—is an idea that is misunderstood in other parts of the world." Explains Jaffer, "They're saying: 'Other people in the world don't understand democratic accountability. We do.' ... It's quite galling."

In another section, State Department official Schlicher explains why photos of detainee abuse shouldn't be released. "The stigma associated with masturbation or public nudity can limit a man's prospects for marriage, limit his prospects for employment, diminish his role in the community, and lead him to being cast out of the family," he says. "These pictures are offensive to anyone, regardless of his or her religion," says Khaled Fahmy, an associate professor of modern Middle Eastern history at New York University who served as an expert witness in the suit. "To assume this would be particularly offensive to Muslims is itself offensive."

Jaffer, a 34-year-old, Harvard Law School-educated Canadian and veteran of suits against the U.S. government (including *Doe v. Ashcroft* and *MCA of Ann Arbor v. Ashcroft*, both of which challenge the

USA PATRIOT Act), says suppression of the government's case is part of a larger strategy. "The redactions were made for political reasons," he says. "The government did not want the arguments to be subjected to public scrutiny because many are indefensible generalizations about the Muslim and Arab world. I think the government has adopted this secrecy strategy over the last few years—in the way officials have dealt with the PATRIOT Act, for instance, and after September 11, when the government rounded up hundreds of immigrants and refused to release even their names."

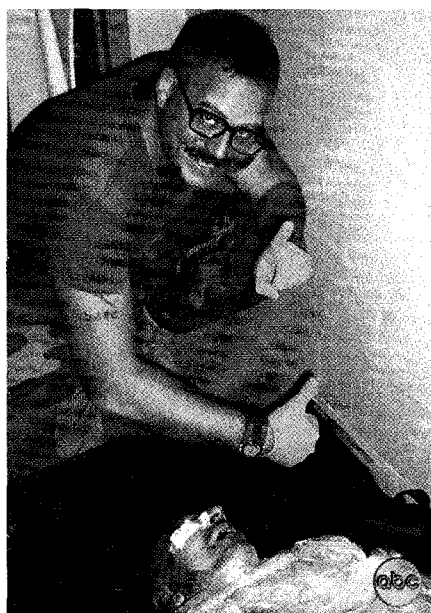
Beyond those redactions, however, looms the larger question of whether the photos themselves will be released. Clearly the images—which along with those first disclosed on *60 Minutes II* on April 28, 2004—are disturbing. Members of select congressional committees were horrified during slide shows of the images held in a closed-off room on Capitol Hill on May 12, 2004. The photos show grim-faced young Iraqi women baring their breasts, forced sex among detainees, and a prisoner smashing his head against a wall, according to lawmakers who watched the slide shows. Trent Franks, a Republican congressman from Arizona, told an Associated Press reporter he saw a photo of a bloodied prisoner "sodomizing himself" with an object.

In September, Judge Hellerstein allowed for the disclosure of 74 of the 87 photos and three of the four videos requested under FOIA. Yet he says some of the images, mainly those of female detainees, should not be released. "The risk of exposure is too great," he wrote, explaining that hiding the identity of the female detainees would be tricky and would make the images nearly incomprehensible, and that "the informational value is minimal." Government lawyers say they will appeal Judge Hellerstein's decision that materials be handed over to the ACLU, and on November 15 they asked for a one-week extension for filing a notice of appeal. An appeal could delay the release of the photos by months or prevent them from being released at all.

General Myers, reflecting the administration line, argues that releasing the photos would "endanger the lives and physical

safety" of U.S. troops. Charles Gardner Mills, a judge advocate who works with the American Legion, a 3 million-member organization of U.S. veterans, filed an amicus brief saying that the photos should be withheld. "There is a real, serious danger—almost a certainty—that if these photos are made public, people will get killed," he explains.

There's no doubt that the additional, as-yet-unreleased images would drum up strong emotions, and certainly headlines. But there's no evidence that their release would cause immediate retaliatory violence against U.S. troops. "There was no



Remember This?: There are at least 87 more.

[immediate] spike in violence due to Abu Ghraib," says Michael O'Hanlon, a senior fellow at the Brookings Institution who tracks security issues, among other factors, through a database known as the "Iraq Index." In fact, the weeks before the April 28, 2004, release of the photos were the worst ever, surpassing the violence in the weeks after. (O'Hanlon does believe the photos have contributed in some way to the increasing violence of that season, though other factors—such as the Fallujah battles, a flawed military strategy, and disenfranchisement among Baathists—have played at least as important a role.)

For advocates of the photos' release, the benefits of publicly showing them—all of them—far outweigh the dangers. "The administration has a propensity not to tell

the whole truth," says Janis Karpinski, the author of the book *One Woman's Army* who was reprimanded by the military for her blunders as the commanding general at Abu Ghraib and considers herself a scapegoat in the detainee-abuse scandal. "It's not that they're lying; it's that they're not telling everything they know." She says she hasn't seen the additional photos but that she'd like them to be made public. "As long as they suppress this information, people will speculate," she says. "I say, 'Release them. Release it all.' Say, 'This is all we have,' and you will end the speculation."

Thomas S. Blanton, director of the National Security Archive at George Washington University, argues that the basis for withholding the images is anti-democratic. Says Blanton, "It's one of the most creative arguments for covering up official misbehavior the government has ever come up with: 'Because the government's behavior is so reprehensible, it must be hidden.' It turns the whole argument for open government on its head." Blanton filed his first FOIA request as a reporter in 1976 and now oversees an organization where, he says, staffers file 1,000 to 2,000 requests each year.

Judge Hellerstein, who was appointed to the federal bench in 1998 by President Bill Clinton, seems inclined to agree. "Our nation does not surrender to blackmail," he wrote. "With great respect to the concerns expressed by General Myers, my task is not to defer to our worst fears, but to interpret and apply the law, in this case the Freedom of Information Act, which advances values important to our society: transparency and accountability in government."

Indeed, argues NYU's Fahmy, it's precisely by honoring those values that the United States will find allies in the Muslim world. "In the Muslim world and elsewhere, much of the anger surrounding the photos stems from the fact the U.S. endorses torture and has failed to hold officials accountable," he says. "The government's concealment of evidence only feeds the anger. The release of the pictures would win support around the world because it would show people the U.S. government is upholding principles of accountability and transparency." **TAP**

ONE STEP FORWARD ...

The West has high hopes for Morocco, but democracy is coming slowly.

BY GEOFF PINGREE AND LISA ABEND

OVER SEVERAL DAYS THIS FALL, an estimated 1,500 sub-Saharan Africans tried to enter Europe by scaling the wire fences that separate the Spanish enclaves of Ceuta and Melilla from the rest of Morocco. In the midst of this attempt, on September 29, Morocco's prime minister, Driss Jettou, signaled in talks with Spain's president, José Luis Rodríguez Zapatero, Morocco's apparent commitment to diplomatic means to stem the northward tide of illegal immigration. But Morocco's actions spoke louder than Jettou's words: Government forces killed 14 of the would-be immigrants and wounded dozens more. And when the desperate young men who had walked to Europe's border from Congo, Mali, and Senegal remained in makeshift camps nearby, awaiting another chance to breach the fences, Moroccan security forces packed them on to buses and dumped them in the desert.

The dissonance between Jettou's publicized meeting and his police's tactics epitomizes Morocco's recent attempts to become a more open society. Since Mohammed VI assumed the throne after his autocratic father, Hassan II, died in 1999, the country has progressed by fits and starts, effecting real changes while clinging to oppressive practices. Though Mohammed VI has implemented democratic policies, authoritarian habits die slowly, and Morocco's old political elite, or *makzhen*, retains much power. In addition, crushing poverty and high unemployment have led scores of Moroccans to emigrate in recent years—draining the country of many of its most talented and educated citizens and encouraging the state to deploy less-than-tolerant security tactics along its borders—while swelling Islamist parties have complicated the state's efforts to become more open.

Those sympathetic to Morocco's uneven progress note that reform happens

in small steps, and that, however imperfect, the process is key to political stability across northern Africa and along the Mediterranean. The country's relatively tolerant brand of Islam, as well as its strategic geographic position among Africa, the Middle East, and Europe, makes it an important partner in the Muslim and Arab worlds for both the European Union and the United States. Many experts argue that modernizing and ensuring greater transparency and civil liberties are the surest way to protect against the radical Islam that threatens to overtake Morocco as it did Algeria. As U.S. Senator Russ Feingold emphasized in 2004: "We need our Moroccan partners if we are to succeed in ... the fight against al-Qaeda and associated global terrorist organizations. ... [T]he U.S. must support the Moroccan people in their fight for basic human rights, their efforts to combat corruption."

Yet six years after Mohammed VI took power, such an alliance is hardly assured, and Moroccan democracy remains an uncertain work in progress. Certainly the government has increased political transparency and expanded civil rights. After appointing the nation's first female royal counselors and reserving 30 parliamentary seats for women, in 2003 the king supported a new Family Code, the Moudawana, which made wives equal partners with their husbands, granting them joint ownership of assets and permitting them to seek divorce. "Democracy cannot stand on one leg," says Nezha Chekrouni, minister for Moroccans Abroad and longtime women's rights activist. "It needs both men and women. And the political will exists to change the dynamic." Islamist groups vigorously protested the law's erosion of Muslim principles, jeopardizing the king's pursuit of the parliament's imprimatur. Only the May 2003 Casablanca bombings pre-

vented an impasse, pressuring the Islamists to demonstrate their loyalty by rescinding their opposition.

Still, if women's rights have progressed, an air of oppression surrounds many of Morocco's recent innovations. In 2002 Mohammed VI passed a new press law that, although it requires authors and publishers to register with the government, allowed political magazines like the Casablanca-based *Tel Quel* to cross once unassailable boundaries. (In January the magazine published an unprecedented account of the royal family's finances.) But even as its scope broadens, the country's media continue to censor themselves to survive. Emphasizing that "we don't side with one party or another," *Tel Quel* Editor Driss Ksikes notes that, even with greater freedom, his magazine must be cautious about what it covers and how.

And Morocco's media is still constrained by more than self-censorship. In May 2003 the government closed *Demain*, a satirical weekly published by outspoken journalist Ali Lmrabet. The Ministry of Communication's Fatiha Ladayi, leafing through old editions of the magazine, pointed to cartoons lampooning national and world figures. "*Demain* was shut down not because it was politically critical but because it engaged in defamation," she says. Lmrabet disagrees, saying, "My only defamation was to state a fact that's in a United Nations' report on the Western Sahara," an embattled zone where the Moroccan government is suppressing independence efforts by the native nomadic people. Lmrabet spent four months in prison in 2003 on the defamation charge, received a royal pardon in January 2004, then was recently barred from practicing journalism for 10 years.

Morocco's government is also curbing dissent from Islamists. Justice and Charity, a powerful Islamist movement (it resists making concessions that would give it legal party status), is among the king's most outspoken critics. Movement leader Nadia Yassine was arrested for lèse majesté in June when she publicly confessed her belief that a republican government would better serve Morocco than a monarchy. Later that month, her trial was suspended amid rumors of a U.S. Em-

bassy intervention, and she is now carefully monitored and cannot leave the country as she awaits word on a new trial. Monique Quesada of the U.S. Embassy in Rabat called Yassine's situation "an internal Moroccan issue that the U.S. cannot interfere in," but added that "the State Department expressed concern about this and other instances in which the Moroccan government has moved to limit freedom of the press and freedom of expression. In Yassine's case, the [State] Department deemed that the government's move contradicted many of the

rorism" as a crime), led the nation's sole legal Islamist faction, the Justice and Development Party (PJD), to vehemently oppose the law when it was proposed in 2001, but after Casablanca and increased suspicion of Islamists, the party yielded its position. Additionally, in March, the government drafted the Law of Political Parties, which would ban from party platforms all religious (as well as regional and ethnic) references. If it passes, the law will effectively dissolve any meaningful Islamist political opposition, including the PJD.

The country's ambivalence toward



Shades of Hope?: King Mohammed VI is pursuing reform, but with ambivalence.

important advances Morocco has been making in promoting human rights."

Human rights appeared to be a secondary concern as well when, after the Casablanca bombings, Morocco passed an anti-terrorism law enabling the arrest of more than 4,000 suspected terrorists. Groups like Human Rights Watch accuse the government of violating human rights and civil liberties, but as Haizam Amirah, senior North Africa analyst at Madrid's Royal Elcano Institute, says, "Morocco knows that it's not going to get major complaints from Western countries for cracking down on terrorism."

Under the anti-terrorism law, the government has begun to monitor mosques, imams, and the religious content of textbooks. Such tactics, and the legislation's vagueness (it defines "apologizing for ter-

democracy is nowhere more evident than in Western Sahara, the territory squeezed between Morocco, Algeria, and Mauritania and claimed by both Morocco and the once-nomadic Saharawi people who live there. As Spain negotiated its postcolonial retreat from Western Sahara 30 years ago, Hassan II sent troops to claim the area, ignoring the International Court of Justice's demand that a referendum decide the region's fate and sparking a long-lasting war with the armed Saharawi liberation movement, the Polisario Front. In 1991 the United Nations brokered a cease-fire that again called for a self-determination referendum and has spent the 14 years since trying to enforce the agreement. Like his father, Mohammed VI has refused to negotiate Moroccan sovereignty over Western Sahara.

In recent months, opposition to the government's position has grown. In May, hundreds of Saharawi in Western Sahara's capital, Laayoune, and elsewhere took to the streets to protest harsh police measures and demand independence, leading to violent clashes. One protester, Hamdi Lambarki, who took part in an October 30 rally, died. Police forces say he was killed by a fellow protester's thrown rock; Lambarki's family and eyewitnesses contend that the police beat him to death.

In Western Sahara, public events and their larger meanings are in constant dispute. In Laayoune, trials of dissidents are legally open to the public, but police block foreign journalists from entering the courthouse. International delegations are welcome to visit, according to Moroccan officials like Hamid Chabar, "as long as they are impartial," yet groups trying to investigate have been turned away at the airport for "showing unconditional support for the Polisario." When in September the Polisario released the 404 Moroccan prisoners of war it had held at its own refugee camps across the border in Algeria, the Moroccan government welcomed the discharge (overseen by U.S. Senator Richard Lugar) but continued to refer to the 80,000 to 165,000 refugees living in the camps as "hostages" of the Polisario. Curiously, it was the Polisario that rescued many of the sub-Saharan immigrants abandoned in the desert in October.

Is Morocco truly pursuing democracy? The question hangs over most of the state's reforms. Although the country has taken steps toward an open society and a more representative government, it remains—in deed if not in word—ambivalent. What will this nation be in five years, or 10? For Lmrabet, the answer lies partly with the West. "People say you can't impose Western democracy on the Arab world," he remarks. "But the West can push it. Not by using force or bombs, but it can push it. Help us get democracy. We'll adapt it for ourselves." **TAP**

Geoff Pingree and Lisa Abend, professors at Oberlin College, write regularly on the politics and culture of Spain and northern Africa.

PART-ING SHOTS

The Bush administration's curiously one-sided good-government tool

BY RYAN GRIM

THIS FEBRUARY IN NORTH CAROLINA, George W. Bush told a giddy crowd, "I'm here to talk about an issue that is going to be an interesting experience in dealing with the Congress [laughter]. And that is Social Security—formerly known as the third rail of American politics [laughter]. That meant, if you touched it, there would be certain political death."

He may not have been electrocuted as the result of the felony he tried to commit against Social Security, but he seems to have learned what the rest of the conservative movement has known for years: Don't attack popular social programs directly. Instead, come at them from the side. While the indirect strategy may lack the glamour of a full-frontal counterrev-

olution, at least it's not suicidal.

The "starve the beast" approach—the idea that slashing government revenue through perpetual tax cuts eventually creates a fiscal situation that leaves eliminating popular programs as the only responsible solution—is perhaps the best known of these indirect attacks on government. But the right has another—and very little known—club it uses to starve (and bleed) the beast: the Program Assessment Rating Tool, or PART.

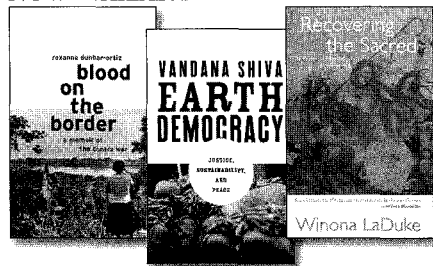
Run out of the Office of Management and Budget (OMB), PART was launched in 2003—with no individual budget, executive order, or act of Congress—with goals that sound unobjectionable on their surface: to measure the efficiency and effectiveness of government programs.

Cloaked in good-government rhetoric, the program won an Innovations in American Government Award in 2005, jointly administered by Harvard's Kennedy School of Government and the Council for Excellence in Government, perhaps the most zealous backer of the performance-review model.

But underneath the rhetoric, PART is inherently designed to undercut progressive programs—and, according to research by two political scientists, it has done just that. And when the blade accidentally wounds a program the administration likes, the White House tends to ignore the unfavorable rating and asks for a funding increase anyway.

Run by Clay Johnson, deputy director of management at the OMB, PART takes up countless hours of program and agency time to comply with the reporting requirements. The PART questionnaire asks a series of "yes-no" questions of varying weight, leading to a raw score between zero and 100 based on four measured areas: purpose and design, strategic planning, management, and results. The score

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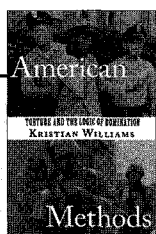
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translates to “effective” (85 to 100 score range), “moderately effective” (70 to 84), “adequate” (50 to 69), “ineffective” (under 50), or “results not demonstrated”—which is extremely subjective and often taken to mean ineffective by the administration.

At times, the ratings given to programs or agencies are so biased as to be laugh-out-loud funny. The Social Security Administration, for example, famously efficient and accurate—and surely serving a good purpose—is given perfect 100-out-of-100 scores in both the planning and performance for its supplemental security income program in 2005. The score for purpose: 60. It was rated “moderately effective,” and a \$462 million cut was requested.

In his 2005 State of the Union address, Bush bragged of reducing or eliminating “more than 150 government programs that are not getting results, or duplicate current efforts, or do not fulfill essential priorities.” In fact, of the 154 programs to which Bush was referring, fully two-thirds were not even rated, according to fact-checking done by OMB Watch, a budget-policy watchdog group. Yet Bush attempted to use good-government rhetoric to eliminate them anyway. Of the programs that were reviewed, 20 percent received one of the two highest ratings—and were still slated for elimination. And if a program was housed in either the Department of Education or the Department of Housing and Urban Development—both of which the right wants to see disappear—and was rated “ineffective,” its chances of survival were terrible: Seventy-eight percent of them were targeted for termination.

A better way for a program to stay alive, though, was to have a purpose the administration supported. Several conservative programs received ratings of “ineffective” but were slated for either level funding or an increase. For example, the Earned Income Tax Credit Compliance Program—which double-checks the eligibility of low-income workers who have claimed the progressive credit—was rated ineffective (despite its generous 100 score in the purpose category) but saw its funding request increase \$4 million from fiscal year 2005 to 2006.

John Gilmour of William & Mary’s Department of Government and David Lewis of Princeton’s Woodrow Wilson School have documented this bias. Having done the most in-depth academic review of PART, they concluded that in 2004, “PART scores influence[d] budget allocations for programs housed in Democratic departments but not for others.” Gilmour and Lewis say they defined Democratic programs as those created as part of the Great Society push, when Democrats controlled Congress, or when it was otherwise obvious that the program was favored by Democrats and not Republicans. The pair revisited the budget tool the next year and found that PART’s influence had become more consistent across the board. According to Gilmour, though, they never tested the notion that PART’s very design leads to lower ratings for progressive programs.

Other experts contend that any evaluation of PART must take into account the conservative assumptions that bias its rating system. “I think one way of looking at it is, what are the underlying values?” says Beryl Radin, a professor at American University who specializes in federal management reform. “And they all seem to be related to efficiency. It’s very hard to find anything that deals with equity. If you did a word search in the PART documents you wouldn’t find ‘African American’ or ‘Hispanic’ once, and you’d only find ‘women’ in the titles of some programs.”

Beyond its single-minded focus on efficiency, PART also places surprisingly little weight on the results category. “In fact, there was no correlation between results and budgets, but there was with purpose and budget requests,” says Gilmour. “Purpose,” he says, “is the most subjective and easiest to manipulate.”

PERHAPS MOST INSIDIOUS, THOUGH, is the way in which PART punishes block grants. Because block grants are given directly to states, measuring results and evaluating management at the federal level is extremely difficult. In 2005, PART rated no block-grant programs effective, while finding 43 percent outright ineffective, compared with 5 percent of programs government-wide. Just by co-

incidence, it is Republicans who insist that regular government programs be transformed into block grants in the name of local control. It’s politically easier for Congress to cut a block grant than it is to cut a program the federal government actually manages by the same amount. It’s especially easier with PART rating half of the grants ineffective. Voilà! Local control plus performance-reviewed government equals massive cuts in popular programs—all done without leaving a fingerprint.

Further, progressive programs or agencies are often punished for following the orders of the statute that created them, or a Supreme Court ruling. The Occupational Safety and Health Administration (OSHA) is forbidden by Supreme Court rulings—notably the “Cotton Dust” ruling of 1981, among others—from basing decisions on cost-benefit analyses. But PART officials overrode the Supreme Court’s mandates.

In this way, the administration gets a twofer: OSHA, a bane of big business, is penalized, and it agrees to change its behavior. PART has done the same to other industry enemies, such as the Consumer Product Safety Commission and the Mine Safety and Health Administration. Francis Meilinger, an OSHA spokesman, says that while it’s true OSHA has begun to do cost-benefit analyses, it ignores the results when it makes decisions. An analysis, Meilinger says, is done only to provide “the public with information on the benefits and costs of new regulations.”

It is instructive to apply PART’s logic to well-known programs. Take the levee system in New Orleans; clearly the program was ineffective. PART’s answer would be to cut funding. The occupation of Iraq is another program that the administration might not want rated, given its poor performance in the areas of planning, accountability, and lack of appropriate measures of results. But then again, PART is most concerned with purpose, so the occupation’s funding would likely be safe from its scythe. And that’s one more indication that PART itself is ineffective. **TAP**

Ryan Grim is a writer for TrueBlueLiberal.com.

This Is Simplification?

BY ROBERT S. MCINTYRE

THERE ARE MANY THINGS TO CRITICIZE ABOUT THE recent report from President Bush's Advisory Panel on Federal Tax Reform. Personally, I'm appalled at the report's call for adding \$7 trillion more to the deficit over the next two decades—a catastrophe the panel

weirdly styles as "revenue neutral." If that's not bad enough, the panel's zeal to shift the tax burden even further away from investors and on to wage earners seems wrongheaded in the extreme to me. But while opinions may vary on these issues, one thing's for sure: This program is not tax simplification.

Bush's panel boldly insists that its ideas would make tax filing easier—an assertion that gullible stenographers in the news media have dutifully repeated. To prove that its plan would be simpler, the panel has produced a new sample tax form, modestly titled the "1040-Simple," that condenses the basic tax form down to a mere one page, rather than the current two. Indeed, the panel crows, the new form can be squeezed onto a large two-sided postcard if the typeface is small enough.

Don't start cheering yet. It's a hoax. For example, near the top of the current form 1040, taxpayers must state their filing status (e.g., married, single, etc.) and list their dependents. The panel's 1040-Simple moves these essential items to a separate form. Whereas various types of business income (self-employment, farm, etc.) currently get their own entries, the new form provides only one line for the sum of all of them. A mysterious line called "other income" encompasses a number of items, from alimony to unemployment, that are now reported individually. Of course, they'd still need to be detailed elsewhere. Likewise, various ad-

justments to income are moved off the 1040 to supporting forms.

If such a silly rearrangement of the deck chairs is all it takes to make taxes simpler, the panel obviously lacked ambition. Why not cut the current form down to a single line? How about, "Write down your tax or refund due. See relevant schedules A to Z to calculate?"

Bush's panel also makes a big deal about how its plan to eliminate or restructure itemized deductions would curb complexity. Deductions for things like extraordinary medical expenses, union dues, casualty losses (sorry, Louisiana), and so forth would be out the window. Also gone would be write-offs for state and local income and property taxes—although these are just about the easiest deductions to compute, not to mention the most defensible.

However, when it comes to two of the most common current deductions, mortgage interest and charitable donations, the panel's proposal is the exact opposite of simplification. Right now, about 41 million taxpayers (roughly a third of us) itemize deductions of any sort. Everyone else takes the standard deduction, because it's bigger. But the Bush panel would replace the standard deduction

with a tax credit and provide tax breaks for mortgage interest and charitable donations on top of that.

The panel brags that under its plan, 57 million returns would itemize mortgage interest (to compute a new 15-percent credit). By my calculations, a similar number would itemize charitable donations, which the panel wants to allow to everyone whose donations exceed 1 percent of income. Counting people with either of these write-offs, that would bring the total number of itemizers up to more than 60 million returns—half again more than now!

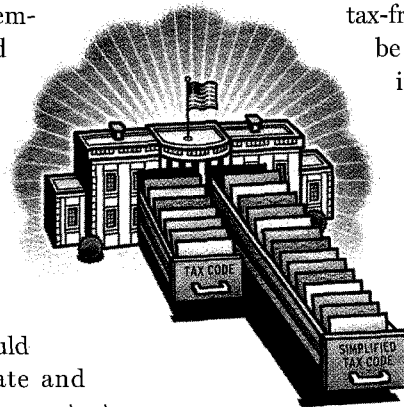
No plan that does that can plausibly be called "simplification." As former IRS Commissioner Sheldon Cohen notes, "[T]hese guys don't seem to understand why we have a standard deduction. As it now stands, you get to deduct *more* than your mortgage interest, charitable donations, and so forth. And you don't have to keep track of anything."

The list of added complications doesn't end here. There are, for example, complex new rules for taxing (or not taxing) dividends and capital gains, new tax-free savings accounts to be layered on top of existing ones, and a corporate "reform" plan that the panel admits would probably make it even easier for multinational corporations to move their U.S. profits into tax havens. All of these fit the pattern of having little or nothing to do with simplicity

and everything to do with shifting taxes away from the well-off.

I'll be reporting more details about the Bush panel's proposals soon. But for now, keep in mind: When a group hand-picked by President Bush and run by his Treasury Department talks about "tax simplification," you should take it with many grains of salt. **TAP**

Robert S. McIntyre is the director of Citizens for Tax Justice.



Homeward **BOUND**

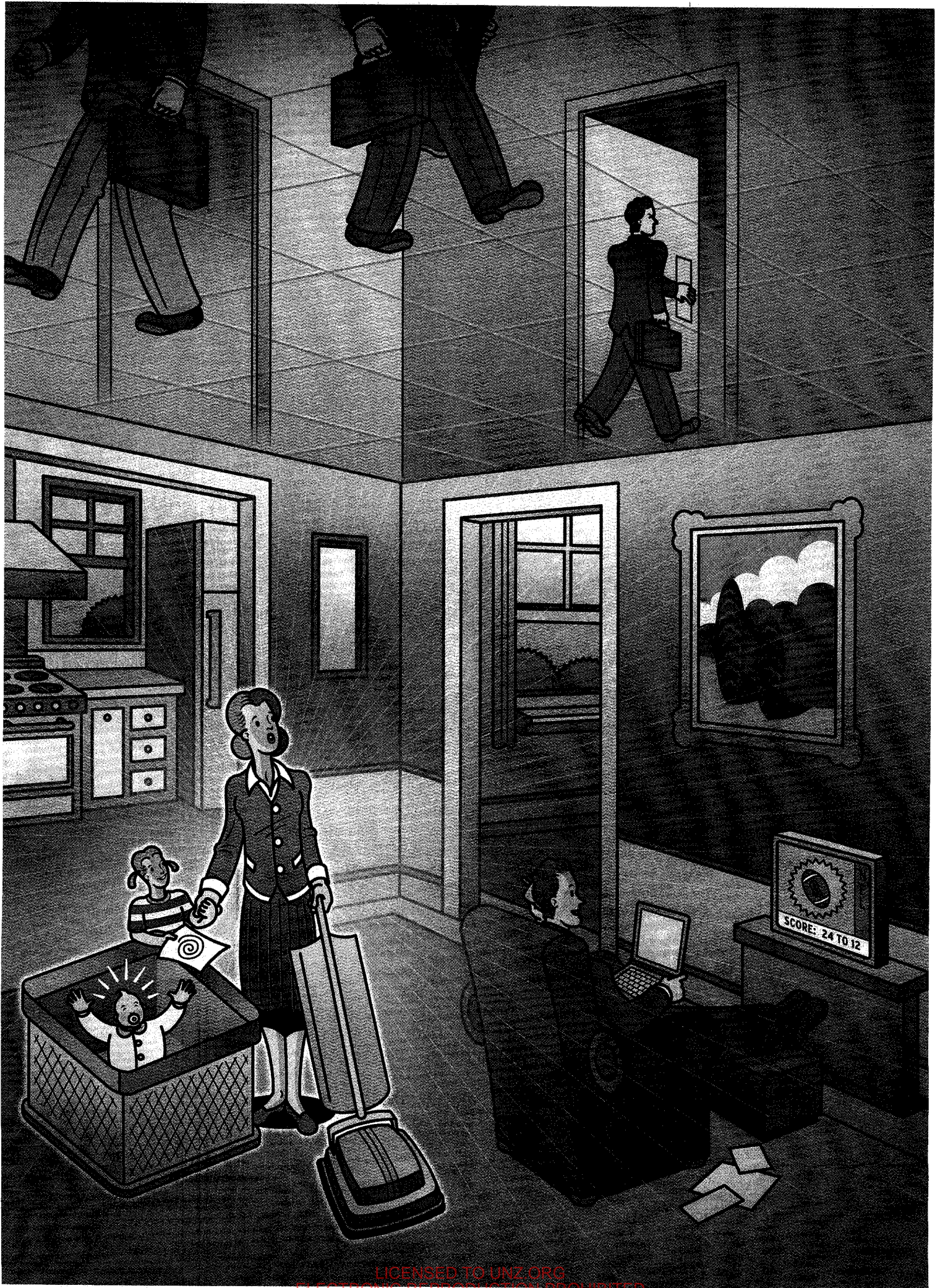
*“Choice feminism” claims that staying home with the kids is just one more feminist option. Funny that most men rarely make the same “choice.”
Exactly what kind of choice is that?*

I. THE TRUTH ABOUT ELITE WOMEN

BY LINDA R. HIRSHMAN

ILLUSTRATIONS BY
PETER AND MARIA HOEY

HALF THE WEALTHIEST, MOST-PRIVILEGED, best-educated females in the country stay home with their babies rather than work in the market economy. When in September *The New York Times* featured an article exploring a piece of this story, “Many Women at Elite Colleges Set Career Path to Motherhood,” the blogosphere went ballistic, countering with anecdotes and sarcasm. *Slate*’s Jack Shafer accused the *Times* of “weasel-words” and of publishing the same story—essentially, “The Opt-Out Revolution”—every few years, and, recently, every few weeks. (A month after the flap, the *Times*’ only female columnist, Maureen Dowd, invoked the elite-college article in her contribution to the *Times*’ running soap, “What’s a Modern Girl to Do?”



about how women must forgo feminism even to get laid.) The colleges article provoked such fury that the *Times* had to post an explanation of the then-student journalist's methodology on its Web site.

There's only one problem: There is important truth in the dropout story. Even *though* it appeared in *The New York Times*.

I stumbled across the news three years ago when researching a book on marriage after feminism. I found that among the educated elite, who are the logical heirs of the agenda of empowering women, feminism has largely failed in its goals. There are few women in the corridors of power, and marriage is essentially unchanged. The number of women at universities exceeds the number of men. But, more than a generation after feminism, the number of women in elite jobs doesn't come close.

Why did this happen? The answer I discovered—an answer neither feminist leaders nor women themselves want to face—is that while the public world has changed, albeit imperfectly, to accommodate women among the elite, private lives have hardly budged. The real glass ceiling is at home.

Looking back, it seems obvious that the unreconstructed family was destined to re-emerge after the passage of feminism's storm of social change. Following the original impulse to address everything in the lives of women, feminism turned its focus to cracking open the doors of the public power structure. This was no small task. At the beginning, there were male juries and male Ivy League schools, sex-segregated want ads, discriminatory employers, harassing colleagues. As a result of feminist efforts—and larger economic trends—the percentage of women, even of mothers in full- or part-time employment, rose robustly through the 1980s and early '90s.

But then the pace slowed. The census numbers for all working mothers leveled off around 1990 and have fallen modestly since 1998. In interviews, women with enough money to quit work say they are "choosing" to opt out. Their words conceal a crucial reality: the belief that women are responsible for child-rearing and homemaking was largely untouched by decades of workplace feminism. Add to this the good evidence that the upper-class workplace has become more demanding and then mix in the successful conservative cultural campaign to reinforce traditional gender roles and you've got a perfect recipe for feminism's stall.

People who don't like the message attack the data. True, the *Times* based its college story on a survey of questionable reliability and a bunch of interviews. It is not necessary to give credence to Dowd's book, from which her *Times Magazine* piece was taken and which seems to be mostly based on her lifetime of bad dates and some e-mails from fellow *Times* reporters, to wonder if all this noise doesn't mean something important is going on in the politics of the sexes.

What evidence *is* good enough? Let's start with you. Educated and affluent reader, if you are a 30- or 40-something woman with children, what are you doing? Husbands, what are your wives doing? Older readers, what are your married daughters with children doing? I have asked this question of scores of women and men. Among the affluent-educated-married population, women are letting their careers slide to tend the home fires. If my interviewees are working, they work largely part time, and their

part-time careers are not putting them in the executive suite.

Here's some more evidence: During the '90s, I taught a course in sexual bargaining at a very good college. Each year, after the class reviewed the low rewards for child-care work, I asked how the students anticipated combining work with child-rearing. At least half the female students described lives of part-time or home-based work. Guys expected their female partners to care for the children. When I asked the young men how they reconciled that prospect with the manifest low regard the market has for child care, they were mystified. Turning to the women who had spoken before, they said, uniformly, "But she chose it."

Even Ronald Coase, Nobel Prize-winner in economics in 1991, quotes the aphorism that "the plural of anecdote is data." So how many anecdotes does it take to make data? I—a 1970s member of the National Organization for Women (NOW), a donor to EMILY's List, and a professor of women's studies—did not set out to find this. I stumbled across the story when, while planning a book, I happened to watch *Sex and the City's* Charlotte agonize about getting her wedding announcement in the "Sunday Styles" section of *The New York Times*. What better sample, I thought, than the brilliantly educated and accomplished brides of the "Sunday Styles," circa 1996? At marriage, they included a vice president of client communication, a gastroenterologist, a lawyer, an editor, and a marketing executive. In 2003 and 2004, I tracked them down and called them. I interviewed about 80 percent of the 41 women who announced their weddings over three Sundays in 1996. Around 40 years old, college graduates with careers: Who was more likely than they to be reaping feminism's promise of opportunity? Imagine my shock when I found almost all the brides from the first Sunday at home with their children. Statistical anomaly? Nope. Same result for the next Sunday. And the one after that.

Ninety percent of the brides I found had had babies. Of the 30 with babies, five were still working full time. Twenty-five, or 85 percent, were not working full time. Of those not working full time, 10 were working part time but often a long way from their prior career paths. And half the married women with children were not working at all.

And there is more. In 2000, Harvard Business School professor Myra Hart surveyed the women of the classes of 1981, 1986, and 1991 and found that only 38 percent of female Harvard MBAs were working full time. A 2004 survey by the Center for Work-Life Policy of 2,443 women with a graduate degree or very prestigious bachelor's degree revealed that 43 percent of those women with children had taken a time out, primarily for family reasons. Richard Posner, federal appeals-court judge and occasional University of Chicago adjunct professor, reports that "the [*Times*] article confirms—what everyone associated with such institutions [elite law schools] has long known: that a vastly higher percentage of female than of male students will drop out of the workforce to take care of their children."

How many anecdotes to become data? The 2000 census showed a decline in the percentage of mothers of infants working full time, part time, or seeking employment. Starting at 31 percent in 1976, the percentage had gone up almost every year to 1992, hit a high of 58.7 percent in 1998, and then began

to drop—to 55.2 percent in 2000, to 54.6 percent in 2002, to 53.7 percent in 2003. Statistics just released showed further decline to 52.9 percent in 2004. Even the percentage of working mothers with children who were not infants declined between 2000 and 2003, from 62.8 percent to 59.8 percent.

Although college-educated women work more than others, the 2002 census shows that graduate or professional degrees do not increase work-force participation much more than even one year of college. When their children are infants (under a year), 54 percent of females with graduate or professional degrees are not working full time (18 percent are working part time and 36 percent are not working at all). Even among those who have children who are not infants, 41 percent are not working full time (18 percent are working part time and 23 percent are not working at all).

Economists argue about the meaning of the data, even going so far as to contend that more mothers are working. They explain that the bureau changed the definition of “work” slightly in 2000, the economy went into recession, and the falloff in women without children was similar. However, even if there wasn’t a falloff but just a leveling off, this represents not a loss of present value but a loss of hope for the future—a loss of hope that the role of women in society will continue to increase.

The arguments still do not explain the absence of women in elite workplaces. If these women were sticking it out in the business, law, and academic worlds, now, 30 years after feminism started filling the selective schools with women, the elite workplaces should be proportionately female. They are not. Law schools have been graduating classes around 40-percent female for decades—decades during which both schools and firms experienced enormous growth. And, although the legal population will not be 40-percent female until 2010, in 2003, the major law firms had only 16-percent female partners, according to the American Bar Association. It’s important to note that elite workplaces like law firms grew in size during the very years that the percentage of female graduates was growing, leading you to expect a higher female employment than the pure graduation rate would indicate. The Harvard Business School has produced classes around 30-percent female. Yet only 10.6 percent of Wall Street’s corporate officers are women, and a mere nine are Fortune 500 CEOs. Harvard Business School’s dean, who extolled the virtues of interrupted careers on *60 Minutes*, has a 20-percent female academic faculty.

It is possible that the workplace is discriminatory and hostile to family life. If firms had hired every childless woman lawyer available, that alone would have been enough to raise the percentage of female law partners above 16 percent in 30 years. It is also possible that women are voluntarily taking themselves out of the elite job competition for lower status and lower-paying jobs. Women must take responsibility for the consequences of their decisions. It defies reason to claim that the falloff from 40 percent of the class at law school to 16 percent of the partners at all the big law firms is unrelated to half the mothers with graduate and professional degrees leaving full-time work at childbirth and staying away for several years after that, or possibly bidding down.

This isn’t only about day care. Half my *Times* brides quit *before* the first baby came. In interviews, at least half of them expressed a hope never to work again. None had realistic plans to work. More importantly, when they quit, they were already alienated from their work or at least not committed to a life of work. One, a female MBA, said she could never figure out why the men at her workplace, which fired her, were so excited about making deals. “It’s only money,” she mused. Not surprisingly, even where employers offered them part-time work, they were not interested in taking it.

II. THE FAILURE OF CHOICE FEMINISM

What is going on? Most women hope to marry and have babies. If they resist the traditional female responsibilities of child-rearing and householding, what Arlie Hochschild called “The Second Shift,” they are fixing for a fight. But elite women aren’t resisting tradition. None of the stay-at-home brides I interviewed saw the second shift as unjust; they agree that the household is women’s work. As one lawyer-bride put it in explaining her decision to quit practicing law after four years, “I had a wedding to plan.” Another, an Ivy Leaguer with a master’s degree, described it in manage-

If women’s flourishing does matter, feminists must acknowledge that the family is to 2005 what the workplace was to 1964 and the vote to 1920.

ment terms: “He’s the CEO and I’m the CFO. He sees to it that the money rolls in and I decide how to spend it.” It’s their work, and they must do it perfectly. “We’re all in here making fresh apple pie,” said one, explaining her reluctance to leave her daughters in order to be interviewed. The family CFO described her activities at home: “I take my [3-year-old] daughter to all the major museums. We go to little movement classes.”

Conservatives contend that the dropouts prove that feminism “failed” because it was too radical, because women didn’t want what feminism had to offer. In fact, if half or more of feminism’s heirs (85 percent of the women in my *Times* sample), are not working seriously, it’s because feminism wasn’t radical enough: It changed the workplace but it didn’t change men, and, more importantly, it didn’t fundamentally change how women related to men.

The movement did start out radical. Betty Friedan’s original call to arms compared housework to animal life. In *The Feminine Mystique* she wrote, “[V]acuuming the living room floor—with or without makeup—is not work that takes enough thought or energy to challenge any woman’s full capacity. ... Down through the ages man has known that he was set apart from other animals by his mind’s power to have an idea, a vision, and shape the future to it ... when he discovers and creates and shapes a future different from his past, he is a man, a human being.”

Thereafter, however, liberal feminists abandoned the judgmental starting point of the movement in favor of offering

women “choices.” The choice talk spilled over from people trying to avoid saying “abortion,” and it provided an irresistible solution to feminists trying to duck the mommy wars. A woman could work, stay home, have 10 children or one, marry or stay single. It all counted as “feminist” as long as she *chose* it. (So dominant has the concept of choice become that when Charlotte, with a push from her insufferable first husband, quits her job, the writers at *Sex and the City* have her screaming, “I choose my choice! I choose my choice!”)

Only the most radical fringes of feminism took on the issue of gender relations at home, and they put forth fruitless solutions like socialism and separatism. We know the story about socialism. Separatism ran right into heterosexuality and reproduction, to say nothing of the need to earn a living other than at a feminist bookstore. As feminist historian Alice Echols put it, “Rather than challenging their subordination in domestic life, the feminists of now committed themselves to fighting for women’s integration into public life.”

Great as liberal feminism was, once it retreated to choice the movement had no language to use on the gendered ideology of the family. Feminists could not say, “Housekeeping and child-

Republicans will enact child-care legislation, which probably puts us well beyond 2030. In either case, we can’t wait that long. If women’s flourishing does matter, feminists must acknowledge that the family is to 2005 what the workplace was to 1964 and the vote to 1920. Like the right to work and the right to vote, the right to have a flourishing life that includes but is not limited to family cannot be addressed with language of choice.

Women who want to have sex and children with men as well as good work in interesting jobs where they may occasionally wield real social power need guidance, and they need it early. Step one is simply to begin talking about flourishing. In so doing, feminism will be returning to its early, judgmental roots. This may anger some, but it should sound the alarm before the next generation winds up in the same situation. Next, feminists will have to start offering young women not choices and not utopian dreams but *solutions* they can enact on their own. Prying women out of their traditional roles is not going to be easy. It will require rules—rules like those in the widely derided book *The Rules*, which was never about dating but about behavior modification.

There are three rules: Prepare yourself to qualify for good work, treat work seriously, and don’t put yourself in a position of unequal resources when you marry.

The preparation stage begins with college. It is shocking to think that girls cut off their options for a public life of work as early as college. But they do. The first pitfall is the liberal-arts curriculum, which women are good at, graduating in higher numbers than men. Although many really successful people start out studying liberal arts, the

purpose of a liberal education is not, with the exception of a miniscule number of academic positions, job preparation.

So the first rule is to use your college education with an eye to career goals. Feminist organizations should produce each year a survey of the most common job opportunities for people with college degrees, along with the average lifetime earnings from each job category and the characteristics such jobs require. The point here is to help women see that yes, you can study art history, but only with the realistic understanding that one day soon you will need to use your arts education to support yourself and your family. The survey would ask young women to select what they are best suited for and give guidance on the appropriate course of study. Like the rule about accepting no dates for Saturday after Wednesday night, the survey would set realistic courses for women, helping would-be curators who are not artistic geniuses avoid career frustration and avoid solving their job problems with marriage.

After college comes on-the-job training or further education. Many of my *Times* brides—and grooms—did work when they finished their educations. Here’s an anecdote about the difference: One couple, both lawyers, met at a firm. After a few years, the man moved from international business law into international business. The woman quit working altogether. “They told me law school could train you for anything,” she told me. “But it doesn’t prepare you to go into business. I should have gone to business school.” Or rolled over and watched her husband the lawyer using

The family—with its repetitious, socially invisible tasks—is a necessary part of life, but allows fewer opportunities for flourishing than public spheres.

rearing in the nuclear family is not interesting and not socially validated. Justice requires that it not be assigned to women on the basis of their gender and at the sacrifice of their access to money, power, and honor.”

The 50 percent of census answerers and the 62 percent of Harvard MBAs and the 85 percent of my brides of the *Times* all think they are “choosing” their gendered lives. They don’t know that feminism, in collusion with traditional society, just passed the gendered family on to them to choose. Even with all the day care in the world, the personal is still political. Much of the rest is the opt-out revolution.

III. WHAT IS TO BE DONE?

Here’s the feminist moral analysis that choice avoided: The family—with its repetitious, socially invisible, physical tasks—is a necessary part of life, but it allows fewer opportunities for full human flourishing than public spheres like the market or the government. This less-flourishing sphere is not the natural or moral responsibility only of women. Therefore, assigning it to women is unjust. Women assigning it to themselves is equally unjust. To paraphrase, as Mark Twain said, “A man who chooses not to read is just as ignorant as a man who cannot read.”

The critics are right about one thing: Dopey *New York Times* stories do nothing to change the situation. Dowd, who is many things but not a political philosopher, concludes by wondering if the situation will change by 2030. Lefties keep hoping the

his first few years of work to prepare to go into a related business. Every *Times* groom assumed he had to succeed in business, and was really trying. By contrast, a common thread among the women I interviewed was a self-important idealism about the kinds of intellectual, prestigious, socially meaningful, politics-free jobs worth their incalculably valuable presence. So the second rule is that women must treat the first few years after college as an opportunity to lose their capitalism virginity and prepare for good work, which they will then treat seriously.

The best way to treat work seriously is to find the money. Money is the marker of success in a market economy; it usually accompanies power, and it enables the bearer to wield power, including within the family. Almost without exception, the brides who opted out graduated with roughly the same degrees as their husbands. Yet somewhere along the way the women made decisions in the direction of less money. Part of the problem was idealism; idealism on the career trail usually leads to volunteer work, or indentured servitude in social-service jobs, which is nice but doesn't get you to money. Another big mistake involved changing jobs excessively. Without exception, the brides who eventually went home had much more job turnover than the grooms did. There's no such thing as a perfect job. Condoleezza Rice actually wanted to be a pianist, and Gary Graffman didn't want to give concerts.

If you are good at work you are in a position to address the third undertaking: the reproductive household. The rule here is to avoid taking on more than a fair share of the second shift. If this seems coldhearted, consider the survey by the Center for Work-Life Policy. Fully 40 percent of highly qualified women with spouses felt that their husbands create more work around the house than they perform. According to Phyllis Moen and Patricia Roehling's *Career Mystique*, "When couples marry, the amount of time that a woman spends doing housework increases by approximately 17 percent, while a man's decreases by 33 percent." Not a single *Times* groom was a stay-at-home dad. Several of them could hardly wait for Monday morning to come. None of my *Times* grooms took even brief paternity leave when his children were born.

How to avoid this kind of rut? You can either find a spouse with less social power than you or find one with an ideological commitment to gender equality. Taking the easier path first, marry down. Don't think of this as brutally strategic. If you are devoted to your career goals and would like a man who will support that, you're just doing what men throughout the ages have done: placing a safe bet.

In her 1995 book, *Kidding Ourselves: Babies, Breadwinning and Bargaining Power*, Rhona Mahoney recommended finding a sharing spouse by marrying younger or poorer, or someone in a dependent status, like a starving artist. Because money is such a



marker of status and power, it's hard to persuade women to marry poorer. So here's an easier rule: Marry young or marry much older. Younger men are potential high-status companions. Much older men are sufficiently established so that they don't have to work so hard, and they often have enough money to provide unlimited household help. By contrast, slightly older men with bigger incomes are the most dangerous, but even a pure counterpart is risky. If you both are going through the elite-job hazing rituals simultaneously while having children, someone is going to have to give. Even the most devoted lawyers with the hardest-working nannies are going to have weeks when no one can get home other than to sleep. The odds are that when this happens, the woman is going to give up her ambitions and professional potential.

It is possible that marrying a liberal might be the better course. After all, conservatives justified the unequal family in two modes: "God ordained it" and "biology is destiny." Most men (and most women), including the liberals, think women are

responsible for the home. But at least the liberal men should feel squeamish about it.

If you have carefully positioned yourself either by marrying down or finding someone untainted by gender ideology, you will be in a position to resist bearing an unfair share of the family. Even then you must be vigilant. Bad deals come in two forms: economics and home economics. The economic temptation is to assign the cost of child care to the woman's income. If a woman making \$50,000 per year whose husband makes \$100,000 decides to have a baby, and the cost of a full-time nanny is \$30,000, the couple reason that, after paying 40 percent in taxes, she makes \$30,000, just enough to pay the nanny. So she might as well stay home. This totally ignores that both adults are in the enterprise together and the demonstrable future loss of income, power, and security for the woman who quits. Instead, calculate that all parents make a total of \$150,000 and take home \$90,000. After paying a full-time nanny, they have \$60,000 left to live on.

The home-economics trap involves superior female knowledge and superior female sanitation. The solutions are ignorance and dust. Never figure out where the butter is. "Where's the butter?" Nora Ephron's legendary riff on marriage begins. In it, a man asks the question when looking directly at the butter container in the refrigerator. "Where's the butter?" actually means butter my toast, buy the butter, remember when we're out of butter. Next thing you know you're quitting your job at the law firm because you're so busy managing the butter. If women never start playing the household-manager role, the house will be dirty, but the realities of the physical world will trump the pull of gender ideology. Either the other adult in the family will take a hand or the children will grow up with robust immune systems.

If these prescriptions sound less than family-friendly, here's the last rule: Have a baby. Just don't have two. Mothers' Movement Online's Judith Statdman Tucker reports that women who opt out for child-care reasons act only after the second child arrives. A second kid pressures the mother's organizational skills, doubles the demands for appointments, wildly raises the cost of education and housing, and drives the family to the suburbs. But cities, with their Chinese carryouts and all, are better for working mothers. It is true that if you follow this rule, your society will not reproduce itself. But if things get bad enough, who knows what social consequences will ensue? After all, the vaunted French child-care regime was actually only a response to the superior German birth rate.

IV. WHY DO WE CARE?

The privileged brides of the *Times*—and their husbands—seem happy. Why do we care what they do? After all, most people aren't rich and white and heterosexual, and they couldn't quit working if they wanted to.

We care because what they do is bad for them, is certainly bad for society, and is widely imitated, even by people who never get their weddings in the *Times*. This last is called the "regime effect," and it means that even if women don't quit their jobs for their families, they think they should and feel guilty about not doing it. That regime effect created the mystique around *The Feminine Mystique*, too.

As for society, elites supply the labor for the decision-making classes—the senators, the newspaper editors, the research scientists, the entrepreneurs, the policy-makers, and the policy wonks. If the ruling class is overwhelmingly male, the rulers will make mistakes that benefit males, whether from ignorance or from indifference. Media surveys reveal that if only one member of a television show's creative staff is female, the percentage of women on-screen goes up from 36 percent to 42 percent. A world of 84-percent male lawyers and 84-percent female assistants is a different place than one with women in positions of social authority. Think of a big American city with an 86-percent white police force. If role models don't matter, why care about Sandra Day O'Connor? Even if the falloff from peak numbers is small, the leveling off of women in power is a loss of hope for more change. Will there never again be more than one woman on the Supreme Court?

Worse, the behavior tarnishes every female with the knowledge that she is almost never going to be a ruler. Princeton President Shirley Tilghman described the elite colleges' self-image perfectly when she told her freshmen last year that they would be the nation's leaders, and she clearly did not have trophy wives in mind. Why should society spend resources educating women with only a 50-percent return rate on their stated goals? The American Conservative Union carried a column in 2004 recommending that employers stay away from such women or risk going out of business. Good psychological data show that the more women are treated with respect, the more ambition they have. And vice versa. The opt-out revolution is really a downward spiral.

Finally, these choices are bad for women individually. A good life for humans includes the classical standard of using one's capacities for speech and reason in a prudent way, the liberal requirement of having enough autonomy to direct one's own life, and the utilitarian test of doing more good than harm in the world. Measured against these time-tested standards, the expensively educated upper-class moms will be leading lesser lives. At feminism's dawning, two theorists compared gender ideology to a caste system. To borrow their insight, these daughters of the upper classes will be bearing most of the burden of the work always associated with the lowest caste: sweeping and cleaning bodily waste. Not two weeks after the Yalie flap, the *Times* ran a story of moms who were toilet training in infancy by vigilantly watching their babies for signs of excretion 24-7. They have voluntarily become untouchables.

When she sounded the blast that revived the feminist movement 40 years after women received the vote, Betty Friedan spoke of lives of purpose and meaning, better lives and worse lives, and feminism went a long way toward shattering the glass ceilings that limited their prospects outside the home. Now the glass ceiling begins at home. Although it is harder to shatter a ceiling that is also the roof over your head, there is no other choice. **TAP**

Linda R. Hirshman retired as the Allen/Berenson Distinguished Visiting Professor at Brandeis University. She is at work on a book about marriage after feminism. With almost no effort, she landed spot No. 77 on Bernard Goldberg's "100 People Who Are Screwing Up America."

HE'S DONE

Bush once brandished September 11 like a weapon against his critics. But in one dramatic recent week, it all caught up with him. The 9-11 era is now over.

BY LAURA ROZEN

ILLUSTRATION BY ROBERT GROSSMAN



THINGS CHANGE FAST, WHEN they finally do. For more than two years, the daily reports of American casualties and car bombs in Iraq, questions about how the White House had led the country into the Iraq War, and the torture memos and “extraordinary renditions”—with their subterranean narrative of an almost wholly undebated U.S. policy to commit torture—had bounced off the Teflon presidency of George W. Bush. The media had decided after September 11 that Bush was America’s Churchill. That was the story line—and for endless and maddening months, there was no dislodging it.

But then, ushered in by a hurricane, all of these events—individually almost weightless—accrued into something with political heft, critical mass. And they did so suddenly: When future historians chronicle the fall of the Bush presidency, they'll point to a single week in late October and early November when the Bush White House's reputation for competence in national-security matters was punctured, its chokehold on Congress was brought to a crashing low, and a torrent of questions about the means by which the White House took the country into war in Iraq gained new urgency.

It began on Tuesday, October 25, the day a terrible threshold was passed as the 2,000th U.S. soldier was killed in Iraq. Three days later, after weeks of anticipation, the grand jury convened by special prosecutor Patrick Fitzgerald handed down an indictment of Vice President Dick Cheney's powerful chief of staff, I. Lewis "Scooter" Libby, on five counts of obstruction of justice, perjury and false statements related to Libby's alleged efforts to cover up his role in outing a CIA officer to the media in retaliation for her husband's criticisms of the intelligence rationale by which the Bush administration took the country to war. And then, four days after the Libby indictment, on November 1—one day shy of the first anniversary of the election that delivered Bush and Cheney a second term and increased the Republican majority in Congress—the Democrats shut down the Senate, taking the chamber into closed session to demand the release of a long-stalled Senate Intelligence Committee probe into policymakers' use of pre-Iraq War intelligence.

By mid-November, Bush was below 40-percent approval in every poll. In one survey, 58 percent of respondents questioned his integrity—not his job performance, his *personal integrity*. Almost overnight, Churchill morphed into Nixon. And while the Bush presidency still has three more years, the "9-11 presidency"—the way in which the administration has used the threat of terrorism to advance its aims and bully its opponents—is definitely over. Bush will never be Churchill again.

THE DETAILS OF THE DEMISE—THE GRUESOME MILESTONE, the indictment, the Senate Democrats' action—are dramatic enough, given the stranglehold the administration has had on Washington since September 11. But the larger narrative is even more striking, and it shows much more emphatically that something profound has happened in Washington in these recent weeks.

It's a commonplace now that the Bush administration has sought constantly to consolidate its political power and crush dissent. It has done this not solely through rhetoric. It has achieved those ends through systemic abuse and misuse of the institutions of government. Devices and safeguards built into our system of government for the precise purpose of seeing to it that the White House—*any* White House—could not operate unchecked have been perverted, circumvented, and ignored. Divisions and departments that exist to provide independent analyses have been disregarded, and employees who tried to carry out their responsibilities were threatened with their jobs. (Remember Medicare actuary Richard Foster, who was told he'd be fired if he revealed the true cost of the 2003 Medicare bill?) The Department of Jus-

tice—by design, the one executive department that is supposed to monitor the administration—became just one more political outpost under John Ashcroft, with his ever-so-timely announcements of new terrorist arrests (arrests rarely followed up with successful prosecutions). And most of all, Congress itself—the greatest constitutional check on the executive we have—became, under Republican control, just one more yes-man, holding almost no oversight hearings and initiating no fights at all with the administration (except over amounts of pork).

For the first four and three-quarters years, Bush bit Washington, and Washington yelped and slunk into the corner. But now Washington is finally biting back. The institutions that Bush pushed and pushed to the breaking point are snapping back to their normal state. The Department of Justice, whatever its other shortcomings, finally operated on this one matter as it is meant to, as it did under Bill Clinton and George Bush Senior and Ronald Reagan: An independent investigation launched from its offices—Fitzgerald was appointed to the CIA-leak case by Deputy Attorney General James Comey after Ashcroft recused himself—has checked potential wrongdoing by the White House. That Fitzgerald's probe was above reproach, unlike another certain recent special prosecutor's—no overreach, no leaks, no final report with all the gory details, no unctuous testimony before Congress—added mightily to the gravity of the charges against Libby.

Fitzgerald dropped a bomb on Washington. But, at least to observers who'd become inured to Democratic timidity, Minority Leader Harry Reid dropped an even bigger one when he invoked an obscure procedural rule (Rule 21) to force the Senate to deal with the issue of possible Iraq intelligence manipulation by the Bush administration. If the Democrats make gains in 2006, it will be the culmination of a more than two-year-long process by which Democrats were finally pushed to their breaking point, forcing the Senate finally to do what it was created to do.

SINCE RIGHT AROUND THE TIME THE IRAQ WAR OFFICIALLY "ended" in April 2003, the Senate Select Committee on Intelligence had been receiving briefings on an almost weekly basis by the head of the Iraq Survey Group, the CIA-led Iraq weapons-hunting group—first David Kay, later Charles Duelfer. And each week, it was getting the same report: There were no weapons of mass destruction in Iraq.

Committee Democrats grew increasingly restless with each week's report. Eventually they demanded that the committee perform its oversight duty and investigate the question of how the United States had gotten Iraq intelligence so wrong. But the committee's Republican chairman, Pat Roberts of Kansas, wouldn't budge for months. "The majority was not willing to look at *any* issue related to prewar intelligence," says an aide to the committee's ranking Democrat, Jay Rockefeller of West Virginia. "There was very significant concern going back to the time when David Kay and later Charles Duelfer were briefing the committee on a weekly basis on the survey's findings. And with each briefing, with no weapons identified, it became increasingly clear that something was very wrong." Rockefeller, this aide says, "was pressing. 'Something is very wrong, we need to start figuring out what happened.' Roberts kept saying, 'It's premature.'"

Big-Time Trouble: Cheney on the Spot

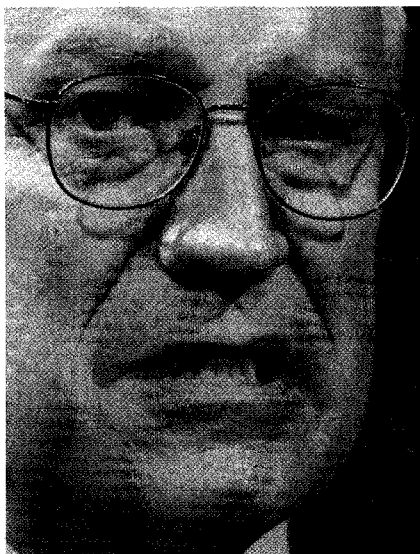
As far as we know, Vegas isn't taking odds yet on whether Dick Cheney will remain vice president until noon on January 20, 2009. But Cheney is increasingly under siege from a variety of separate but inter-related lines of inquiry, and of all the hot seats in the administration right now, "Big Time's" is arguably the hottest.

If the Senate Select Committee on Intelligence follows through with a serious Phase II report on administration manipulation of prewar intelligence, the crumbs we've seen thus far lead pretty directly to the vice president's office. Senate Minority Leader Harry Reid has already laid the ultimate blame for the stonewalling at Cheney's doorstep, and Cheney and his staff have blocked the Senate panel from examining several documents that Democrats feel would be crucial to a thorough investigation.

Based on what's known today, Cheney has good reason to embrace obstructionism.

As far back as December 2002, Robert Dreyfuss reported for the *Prospect* [see "The Pentagon Muzzles the CIA," December 16, 2002] on clashes between administration hawks and professionals in the intelligence community and cited "the support of Vice President Dick Cheney" and his daughter Elizabeth's presence as deputy assistant secretary of state for Near East affairs as crucial to muzzling skeptics of the case for invading Iraq. "Iraq on the Record," a compendium of administration misstatements on Iraq compiled by the minority staff of the House Government Reform Committee, shows that on the two key questions of

Iraq's nuclear program and supposed ties to al-Qaeda, Cheney was the administration figure most likely to mislead. Even after the war, Cheney referred in public statements to "overwhelming evidence" of threatening links between the Iraqi government and the terrorist group. He once recommended a *Weekly Standard* article based on a memo



Mr. Congeniality: It all circles back to Cheney.

that had already been disavowed by the intelligence community as the "best source of information" on the subject.

That memo was the product of then-Undersecretary of Defense Douglas Feith, who oversaw the Policy Counterintelligence Evaluation Group (PCTEG), which was the source of much of the very worst prewar intelligence. The "group" was, in fact, only two people: Michael Maloof, who worked

for Feith, and David Wurmser, who was in the Pentagon at the time and is part of Cheney's unprecedentedly large national-security staff. The Iraq-related activities of PCTEG, the better-known but less-important Office of Special Plans, and Feith's office are supposed to be central to the Senate's Phase II investigation.

As Clinton-era National Security Council staffer Daniel Byman has observed, Cheney was PCTEG's "patron" in an administration that included several prominent skeptics of its work, including, most notably, CIA Director George Tenet. The vice president's office was the conduit through which PCTEG work and unreliable reports from Iraqi exiles went straight to the West Wing, without scrutiny from intelligence-community professionals. Cheney's staff also wrote the first draft of Colin Powell's infamous United Nations speech—which the former secretary of state famously dismissed as "bullshit."

According to a November 8 *Daily News* report, some White House advisers—and possibly the president himself—are already trying to distance themselves from Cheney before increasingly widespread knowledge of his misdeeds further taints the rest of the administration. Political strategist Dick Morris has taken to speculating publicly about the potential benefits to the Republican Party of replacing Cheney as vice president with Condoleezza Rice. Morris has an ulterior motive—his new book touts the virtues of a Rice presidential campaign—but if Democrats get the serious investigation they're asking for, his dreams just might come true.

— Matthew Yglesias

Eventually, in June 2003, Roberts agreed to a probe—but designed only to focus on the intelligence community's errors. The question of how the White House may have misused intelligence was something Roberts wouldn't agree to look into. Meanwhile, the Republicans pushed back on Rockefeller, carrying leaks to the right-wing media in an effort to make it appear as if Democrats were trying to politicize the Iraq blunders. An internal staff memo from a top Senate Intelligence Committee staffer's office urging Rockefeller in the fall of 2003 to call for an independent commission to investigate the Iraq intelligence issue got into Republican hands, and it mysteriously made its way to Sean Hannity's radio show, where it led to a hysterical outcry in right-wing media outlets that Democrats were try-

ing to politicize intelligence questions.

In its own way, the Republican pushback against Democratic calls for a wider intelligence investigation was not so unlike the covert campaign the White House organized against Joseph Wilson and his CIA officer wife, Valerie Plame. The same war-room tactics, the same use of ill-gotten and covert data slipped to right-wing media outlets to intimidate those who would speak out into shutting up and make the question of how the White House led the country into war taboo.

It was vicious and effective. More importantly, it pushed the issue of whether the Bush administration had misled the country into war in Iraq past the 2004 presidential elections: In order to get Roberts and committee Republicans to agree to an ex-

panded probe to look into issues such as the administration's use of intelligence, the role of Ahmad Chalabi and the Iraqi National Congress, and the Pentagon's controversial "Team B" intelligence efforts, Rockefeller had to accept the terms that the results would not be made public until 2005.

FADE IN NOW TO LATE OCTOBER 2005. FITZGERALD INDICTED Libby, and Libby resigned. Fitzgerald implicitly left open at his press conference the possibility that Karl Rove was still in legal jeopardy. Cheney appointed David Addington, his secretive general counsel, to replace Libby. The day before the indictment, Murray Waas had reported in *The National Journal* that Addington had been a key player in advising Cheney and Libby to withhold documents from the Senate Intelligence Committee. The fact that Cheney's office had resisted cooperating even with the Republicans running the probe was something that some Democrats hadn't quite known. The table was set for the Democrats to act.

"In terms of this whole thing erupting," explained one Democratic staffer, who asked not to be identified, "the basic thought

"Frist is reviled for many reasons," a Democratic aide says. "This is one of them. He is a liar. He is weak. I don't think he respects the institution."

that the Libby indictment tipped people off to is, rather than do a 'busted for this' or 'busted for that' kind of tiny thing, it was time to get back to a broader message: that the whole war was a sham. All that CIA stuff was manipulated."

And so, at 6:15 p.m. on Halloween evening, the "Gang of Four"—Democratic Senators Reid, Charles Schumer of New York, Richard Durbin of Illinois, and Debbie Stabenow of Michigan—gathered for one of their weekly Monday-night dinners in Reid's second-floor offices.

An adviser to Reid (some staff identified senior policy adviser Randy DeValk, but this could not be confirmed) had once researched using the Rule 21 option—an obscure procedure that allows any senator to order nonmembers from the chamber—for former Senate Minority Leader Tom Daschle. At the time, Senate staffers say, Daschle had been disinclined to move on it. Rule 21 had been used by agreement of both parties, but it had never in anyone's memory been sprung on one party by the other without notice. "Others had this idea last year, and Senator Daschle didn't want to do it," one Senate aide, who asked not to be identified, told the *Prospect*. "He felt under siege. It wasn't his style, or not safe for him—just said he wouldn't do it."

But now the situation was different. In addition to the whirlwind of late-October developments, one other factor spurred the Democrats to act: hatred (which is not too strong a word) of Senate Majority Leader Bill Frist. Again, the theme of institutions being perverted to serve political ends appears. Democratic leadership had not forgotten how Frist went into South Dakota to cam-

paign against Daschle on behalf of Daschle's victorious opponent, John Thune. It was the first time in the history of the Senate that a party leader had campaigned personally against the other party's sitting leader. "Frist is reviled for many reasons," a senior Democratic aide told the *Prospect*. "This is one of them. He is a liar. He is weak. I don't think he respects the institution."

The Gang of Four agreed that night to use Rule 21 to bring the question of the missing Phase II intelligence report to the full Senate the next day. Influencing the timing of the decision was the fact that no votes were called for the next day, and Frist was not likely to have a quorum of Republicans in the chamber to prevent the maneuver. "Reid called Rockefeller Monday night," a Rockefeller staffer told the *Prospect*. "Reid said, 'I think we should do this tomorrow.' And Rockefeller said, 'Absolutely.'"

The plan was so hush-hush that Reid did not announce it to the larger Democratic caucus during the weekly Tuesday lunch in the LBJ room. Before that lunch, however, Reid had gotten unanimous consent that he would be recognized when the Senate session resumed after lunch. Shortly after 2 p.m. Tuesday, Reid went to the floor, and was recognized. "I demand," he said,

"on behalf of the American people, that we understand why these investigations are not being conducted, and in accordance with Rule 21, I now move the Senate go into closed session." He was seconded by Durbin. Staffers, journalists, and C-SPAN cameras were shooed from the room, and senators were required to hand over their cell phones.

Some observers labeled what the Democrats did a stunt. But the move—and Reid's vow that he would do it again until Roberts acquiesced—gave the Democrats leverage they'd never had before. During the closed session, Reid got Frist to agree to form a bipartisan, six-member senatorial task force to come up with a work plan for the Phase II investigation. After months of having been stalled and outmaneuvered, Democrats pronounced themselves thrilled with the results. "After months and months and months of begging, cajoling, writing letters," Reid, emerging from the closed session, was quoted as saying by the *San Francisco Chronicle*, "we're finally going to be able to have Phase II of the investigation regarding how the intelligence was used to lead us into this intractable war in Iraq." Appearing on CNN the next night, Rockefeller told Lou Dobbs that "we got more done in two hours than we had in the 20 months prior to that."

SENATE DEMOCRATS SWEAR THAT THEIR ACTION WAS NOT a one-off, and that they will not let themselves be stonewalled by Frist or Roberts again. "It signals a new aggressive phase," Reid spokesman Jim Manley told the *Prospect*. "Senator Reid obviously deliberated before making the decision [to shut down the Senate.] He also understood that the Republicans would react harshly to this maneuver. He also said ... that unless they got a satisfactory answer to these questions [of prewar intelligence], they would come back and do this maneuver again."

But early signs were that they might not have to—at least not on pushing forward the Phase II investigation. In the wake of the

Senate shutdown, Senate Intelligence Committee staffers were reporting “good, bipartisan progress” on the long-stalled probe, which is now expected to be completed sometime in early 2006.

“The answer is, it worked,” e-mailed Rockefeller spokeswoman Wendy Morigi. “It forced the Republicans to keep their word and live up to their agreement.” Morigi warned that there was likely to be “disagreement” on the final Phase II report, with “Democrats pushing for accountability and trying to prevent a whitewash” and Republicans “pushing to justify administration actions.” But even Roberts was making very different noises after the closed session than he had before. “I think a lot of us would really stop and think a moment before we would ever vote for war or to go and take military action,” Roberts told *FOX News Sunday* on November 13. “We don’t accept this intelligence at face value anymore.”

Meantime, in the wake of November elections results that delivered Democratic victories in two key governor’s races, even House GOP moderates were in revolt against the hard-liners on issues including Arctic National Wildlife Refuge drilling. The Fitzgerald investigation proceeded, with continuing news reports suggesting that the probe was getting awfully close to the vice president’s doorstep. With Libby’s defense attorneys indicating that Libby planned to vigorously fight the charges in court and “clear his good name,” the case seemed headed for a trial that would inevitably shine a new public spotlight on the role of the secretive vice president’s office in pitching the flawed intelligence case for war and strategizing how to go after the critics who disparaged elements of its case. Even with the possibility still on the table that

Bush might eventually pardon Libby, the Fitzgerald indictment could continue to do more lasting damage to the Bush administration’s credibility and the president’s personal integrity.

Bush will be the president for three more years. He will still have the powers that come with the office. In all likelihood, he’ll have an opportunity to remake the Supreme Court. He has time to reignite some sort of domestic agenda. And even in the realm of foreign policy, he still has time to achieve some victories (although it’s interesting to note that victories now are more likely to be built around negotiation than warmongering, as is the case with Condoleezza Rice’s recent talks with the Israelis and the Palestinians). The Bush era—unfortunately— isn’t over.

But the 9-11 era is. When Bush told a carefully selected military audience in Tobyhanna, Pennsylvania, on Veterans Day that Democratic attacks on him “send the wrong signal to our troops and to an enemy that is questioning America’s will,” the media did not reflexively adopt his perspective, as it had in the past, and the Democrats did not duck and run, as they have in the past. Four days after Bush’s speech, it was instead Senate Republicans who ducked and ran, putting forward a proposal calling on the administration to lay out its plan for ending the war (legislators don’t want Iraq hanging around their necks in 2006).

Having already lost the American public on Iraq, Bush is now beginning to lose even his own party. His presidency as we have known it thus far is over. **TAP**

Laura Rozen is a Prospect senior correspondent.

Two Must Reads

THE RISE OF ANTI-AMERICANISM

Edited by Brendon O'Connor and Martin Griffiths

Is anti-Americanism one of the last respectable prejudices, or are accusations of anti-Americanism a way to silence reasonable criticism of the United States? Examining what is sensibly called anti-Americanism and its principal sources, this study details how the Bush administration has provoked a recent upsurge in anti-Americanism with its stances on a range of issues from the Kyoto Protocol to the war in Iraq.

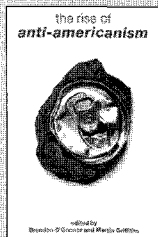
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THE FUTURE OF GAY RIGHTS IN AMERICA

H.N. Hirsch

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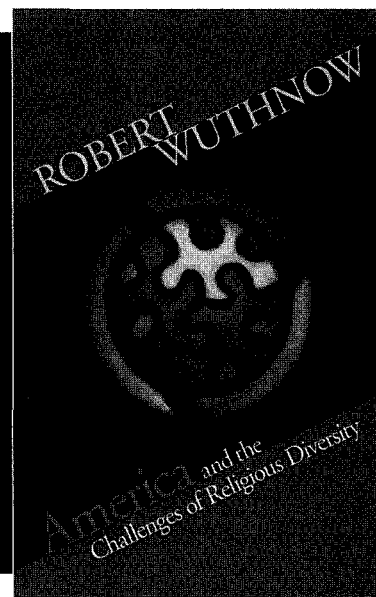
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Open Doors, Closed Minds

Jim Bill Lynn believed his Wal-Mart bosses when they said he should report unfair practices. He did—and walked into Kafka's castle.

BY HAROLD MEYERSON

BY ALL ACCOUNTS, JIM BILL LYNN BLEED WAL-MART blue. His friend Darrell Altom, who worked with Lynn at Wal-Mart's Searcy, Arkansas, distribution center in the days before Lynn traveled the nation and the world on Wal-Mart's behalf, recalls that at the Monday-morning warehouse meetings back in the mid-'90s, "A lot of managers didn't want to get up and do the [company] cheer, but [Lynn] would do it every week."

"It's corny, but it's part of the culture—and he was so pro-Wal-Mart."

Lynn and Wal-Mart seemed made for each other. Driven, affable, and politically conservative, with clear managerial aptitude and a boundless appetite for work, Lynn was exactly the kind of young fella for whom Sam Walton's executives were always on the lookout. Wal-Mart was the company that had revolutionized logistics, the just-in-time movement of goods, and by those measures the Searcy center, where Lynn was hired as a junior manager in 1993, was consistently one of the top three in the nation. Lynn's work there was so plainly outstanding that in 2000 Wal-Mart transferred him to its corporate headquarters at Bentonville. Lynn was just 32—the young parish priest summoned to Rome.

But Wal-Mart's faithful believe at their own peril. In 2002 the company sent Lynn to Central America, in a new position in which he was to report on any abusive labor practices he came upon in the factories that make the clothes Wal-Mart puts on its shelves. Lynn was shocked: He discovered factories whose fire doors were padlocked from the outside, and where women workers were fired if they turned up pregnant. Lynn firmly believed that his reports to the home office would lead to improvements. Indeed, he believed he was doing just what the company expected of him, right up to the moment when he was fired.

Lynn also believed in Wal-Mart's open-door policy, devised by Sam Walton himself, under which employees can talk to executives, without fear of retaliation, to challenge those decisions of their immediate superiors that they believe to be erroneous or unfair. "I always encouraged those who worked for me to use the open-door policy," Lynn says. The open door is a pillar of Wal-Mart's pseudo-paternalistic culture, a linchpin of the company's

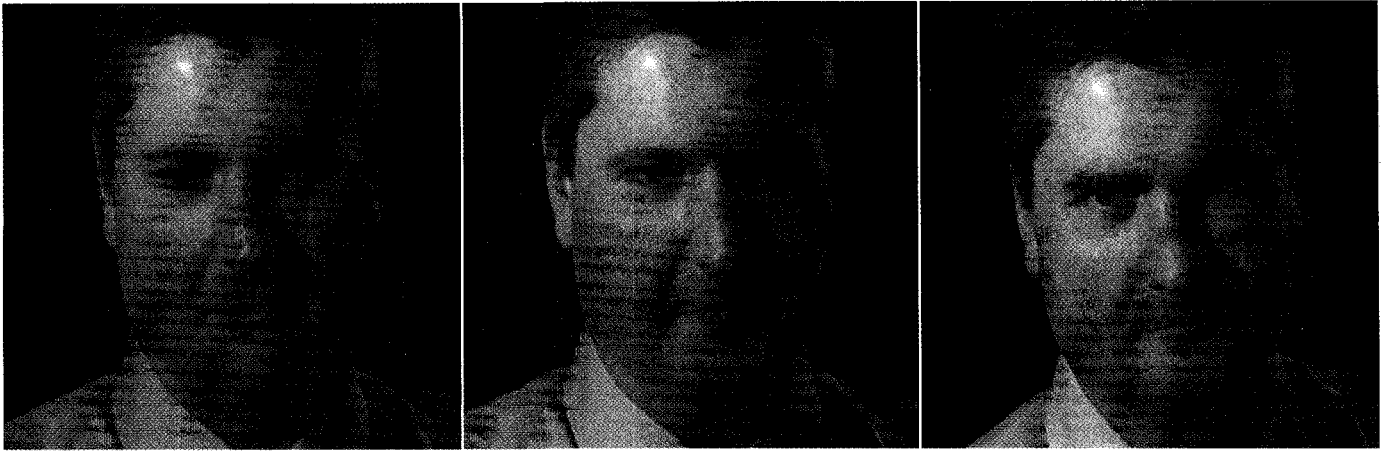
vehement anti-union posture. Whenever Wal-Mart workers start making noises about organizing themselves, managers invoke the open door as a source of assurance that workers can always find an understanding company judge waiting if they just plunk themselves outside his door.

Lynn's faith in the open door was still intact as he hastened back to Bentonville after he was fired to talk to Wal-Mart's top executives. When he got there, however, he found they didn't want to hear from him at all. Today Lynn is one of several prominent Wal-Mart whistle-blowers suing the company in high-profile unjust-termination cases. Far from an open door, Bentonville had become Kafka's castle, from which abrupt and unalterable edicts descended with devastating force.

THAT WAS NOT THE BENTONVILLE THAT LYNN THOUGHT he knew when he reported for work to Wal-Mart's headquarters in January 2000. He soon became a divisional training manager for distribution-center operations, heading a team that traveled from one center to another, cutting down the turnaround time for groceries and dry goods and tires. He got a reputation as a troubleshooter who could go into a center that wasn't meeting its schedules, figure out the problem, and retrain the managers without threatening them. Davie Webb, who has known Lynn since they worked together at Searcy, says that Lynn "motivated people just with his pleasantness."

The work was nothing if not exacting—the drives long, the hours longer, the centers at times brutally hot ("the ones for dry goods aren't air-conditioned," Lynn recalls)—and Lynn still speaks of it, even after all that's happened to him since, with an air almost of romance. "I'd be in New York one week, California the next, Florida the next," he says in his soft southern lilt. "It was a great position to be in if you wanted to make an impact in logistics, if you wanted to expand your knowledge of the company—and the country." In short order, Lynn was also representing the company at political fund-raisers, and was the guy who would give the company's lobbyists from the Patton Boggs law firm the tour of the distribution centers.

When you troubleshoot logistics for Wal-Mart—the largest private-sector employer in the United States and employer of mil-



Last Honest Man: Lynn couldn't believe his eyes when he visited Wal-Mart supplier factories in Central and South America.

lions more around the world—you're perfecting a marvel of the modern economy, a thing of beauty so long as you don't look too closely. Lynn knew what the critics were saying—that Wal-Mart's "everyday low prices" condemned untold numbers of workers to wretched work lives in a global network of sweatshops—but would have none of it. "When people said negative things, I was always a Wal-Mart defender," he says. "I was hardcore."

The trouble started in 2002, when Lynn relocated to Costa Rica with his wife, Julissa (a native of that country), and their three small children. Wal-Mart had just acquired Pacific Rim Export Limited (PREL), a procurement company that had been the intermediary between Wal-Mart and a host of suppliers in Central and South America. Lynn was named global services manager, in charge of exports, quality control, and factory certification of all Wal-Mart suppliers in the region. In February, he began work at PREL headquarters, where he was the sole American on the premises.

In March, Lynn took his first inspection trip, this one to Honduras. The true believer could not believe his eyes. In the first supplier factory he visited, the Glory Garments factory near San Pedro Sula, Lynn found a facility, he says, "that didn't have potable drinking water, that had no toilet paper in the restrooms, and where the fire exits were padlocked. They did pregnancy testing on the women, and if it came back positive, [the women] were terminated." He also discovered that, contrary to Wal-Mart's stated policy, factories received at least three-day advance notification of factory-certification visits—enough time, in other words, to clean up their facilities. Quality-control visits, by contrast, which checked on the product only, occurred with no such advance notification. Such conditions, he soon discovered, were rampant throughout Central America. (Beth Keck, Wal-Mart's director of international corporate affairs, doesn't confirm or deny Lynn's specific findings, but asserts that "the matters he raised were investigated and addressed.")

What's more, Lynn discovered, the factory-certification reports that attested to the factories' compliance with Wal-Mart's workplace standards were routinely falsified under pressure from Moon Chung, a PREL executive who was general manager of PREL's Honduran and Guatemalan operations. As Lynn noted in an April memo to the head of the Central American facilities, Odair Violim, "Moon pressures [inspectors] to Pass factories that

have failed Final Inspections. They have all received this type of pressure from Moon in the past. When a factories [sic] does not meet the Wal-Mart guidelines for a final inspection, Moon argues, threatens, yells and cusses them, our Wal-Mart Associates." One Guatemalan inspector, forced by Moon to change his evaluation, wrote, "Ship, per Moon Chung" on the certification form.

Lynn's inspection visits left him stunned. The night he visited Glory Garments, he called his wife and wept. He called Bentonville and complained. He shot reports back to the home office. He assumed things would change. Instead, Lynn soon found that the company was more alarmed by the existence of his reports than by the substance of them. He traveled to Bentonville to report his findings to Denise Fenton, Wal-Mart's director of factory certification—who promptly instructed him in some of the finer points of certification policy. "First," Lynn recalls, "you can only interview 30 people [per factory]. If you get to the 29th and 30th and discover stuff, it doesn't matter—you have to stop. Second, even though Wal-Mart says they want unannounced inspections, we had to notify the factories in advance. If there were any blatant violations, they had the opportunity to clean those up."

It was abundantly clear to Lynn that Violim was out to get him. Lynn says that soon after his arrival in Costa Rica, Violim took away his key to the office and changed the alarm codes, denied his requests for security when he traveled in the field, and was furious when Lynn went over his head to tell Bentonville that he would not travel without security to Colombia. The tipping point may well have come at a meeting in Costa Rica that April with Mike Duke, then Wal-Mart's executive vice president for administration and today its vice chairman (and possible successor to CEO H. Lee Scott). Lynn was kept out of most of the meeting, but at the end of the day he was allowed to give a PowerPoint presentation on the condition of area factories. When he was done, Lynn recalls, Duke asked him what grade he would give Wal-Mart on its factory-certification program. "I said, 'C-minus or D-plus.' I didn't realize what a surprise this would be to everybody."

As soon as the meeting was done, Lynn says, he was taken aside by Violim and Peter Allison, who was managing director of Wal-Mart's global-procurement division. "I was told, 'You don't tell a man like Mike Duke something like that.' I had

never before in my career been told to lie.”

Lynn’s career at Wal-Mart was just about done. The following week, Violim sent Lynn and Martha Bolanos, a co-worker who reported to Lynn, to Guatemala for another inspection tour. Lynn had been repeatedly assured that Wal-Mart would provide security on this trip, as it routinely does in potentially dangerous countries. When he arrived, though, there were no guards in evidence. What Wal-Mart had arranged for instead was an undercover surveillance team to shadow Lynn and Bolanos, and it documented virtually their every move.

Two weeks later, Lynn was summoned to a meeting with Violim and Andrea Cooper, the human-resources manager for the company’s global-procurement division, who’d come down from Bentonville for the occasion. Escorted by Wal-Mart security guards, who stayed just outside the room, Lynn was accused of violating the company’s fraternization policy. In Lynn’s account, Violim informed him of the surveillance, yelled and cursed at him, and told him he could not leave the room without forfeiting his job unless he signed a statement acknowledging his relationship with Bolanos. The statement Lynn signed said that

informed Scott of Lynn’s complaint, and that Scott agreed with Duke’s verdict: that Jim Bill Lynn would not be going back to work for Wal-Mart.

THE CASE OF *JAMES LYNN V. WAL-MART*, WHICH WAS FILED in a state court in Bentonville earlier this year after settlement negotiations proved fruitless, is one of several prominent pending actions in which whistle-blowing Wal-Mart employees contend that what they got for exposing misdeeds within the company wasn’t the open door but simply the door. Lynn’s story is also featured in Robert Greenwald’s new film, *Wal-Mart: The High Price of Low Cost*, which is being released this November. In response, Wal-Mart appears to be going on a public-relations offensive. In particular, the company seems bent on denying, or at least deflecting, the considerable body of documentation that attests to its seminal role in the creation of the global sweatshop economy.

Keck argues that Lynn’s exposé of labor practices among the firm’s Central American suppliers actually bore fruit. Odair Violim and Moon Chung, she says, “are no longer with the company. So we did take seriously everything he did tell us.” Factories whose conditions Lynn cited, she continues, were inspected, and those conditions remedied or the factories were terminated. Keck argues that Wal-Mart has greatly beefed up its inspection program since Lynn was fired, that there is no tolerance for pregnancy-related terminations or padlocked fire doors, and

that workers interviewed during the inspections now receive protection from management retaliation. But she acknowledges that outside groups are still not permitted to conduct authorized inspections of their own, though she adds that that is a policy that Wal-Mart is “working for.”

But Charles Kernaghan, who heads the National Labor Committee in Support of Human and Worker Rights, one of the foremost sweatshop-monitoring organizations, disputes Keck’s claims that Wal-Mart has cleaned up its suppliers’ Central American operations. The Han Soll facility in Honduras, Kernaghan says, was locking workers behind barbed wire so they would labor for 10- to 13-hour days as recently as this May. “They’ve been saying they’ve improved their monitoring, but those shops were still all sweatshops,” he says.

For Lynn, life after Wal-Mart has not been easy to adjust to. For some time, he says, he wondered why the company hadn’t just moved him to a different area: “I was great in logistics; why not just relocate me? But they wanted me out of the company, and to make sure it’s so embarrassing that you can’t talk about it.” He works now for a cold-storage company in Arkansas, and he has not yet recovered from the shocks of surveillance, severance, and betrayal. “The faith I still have,” he says, “is my faith in the legal process, that if [my case] gets to court, my peers in Arkansas will be able to pick apart what the truth is.”

It’s a personal battle, but Lynn sees it as bigger than that, too. “My friends in the company knew what kind of worker I was,” he says. “They say, ‘If they can get you, nobody’s safe.’” **TAP**

For Lynn, it’s more than personal. “My friends in the company knew what kind of worker I was,” he says. “They say, ‘If they can get you, nobody’s safe.’”

he and Bolanos had kissed—and Lynn does acknowledge that “there was a kiss.” The following day, Lynn was discharged. Bolanos, who remains in Central America and is unavailable for comment, was discharged, too.

The company says that Lynn’s firing was solely the result of his interactions with Bolanos. “This is not a whistle-blower case,” says Beth Keck. “He was terminated because he had inappropriate contact with a woman who directly reported to him.”

But Lynn believes otherwise. In the legal complaint he’s filed against Wal-Mart, he contends that the company had already quietly transferred an employee from Mexico to take over some of Lynn’s duties fully one month before his discharge. “I was fired way before I was fired,” he says. “There was no way they meant to retain me, even before the trip to Guatemala.” And, he says, several hours after he was fired he was told by one Wal-Mart executive, “Look, we never get involved with stuff like this [surveillance to document violations of the fraternization policy]. Somebody wanted you gone, bad. Get on a plane to Bentonville and talk to the people there.”

In a final act of faith in the open-door policy, Lynn returned to the United States and requested a meeting with Scott or former CEO David Glass, but was turned down. Finally, he was granted an audience with Mike Duke—the very same Mike Duke who’d presided over the meeting that Lynn believed had sealed his fate. “It was all Mike Duke,” Lynn says. “I wanted to report to somebody in the States that I trusted, and he gave me a lecture.” Duke subsequently called Lynn to tell him that he’d

DEATH BY DILUTION

When fakes of a GlaxoSmithKline anti-malarial drug turned up in Africa, authorities assumed the drug giant would want to know. Instead, they learned about a huge, evil trade in fake drugs—and about an industry that doesn't want the truth to get out.

BY ROBERT COCKBURN

ILLUSTRATIONS BY McDAVID HENDERSON



IN GRAHAM GREENE'S 1949 THRILLER CLASSIC, *THE THIRD MAN*, HARRY LIME—"the dirtiest racketeer who ever made a dirty living"—peddles diluted penicillin through the sewers of occupied Vienna. During the film's famous scene atop the city's Great Wheel, Harry's friend Holly Martins, played by Joseph Cotten, asks, "Have you ever visited the children's hospital? Have you ever seen any of your victims?"

"Victims?" replies Orson Welles as Harry, pointing to the tiny figures moving far below them. "Would you really feel any pity if one of those dots stopped moving—forever? If I said you can have £20,000 for every dot that stops, would you really, old man, tell me to keep my money—without hesitation?"

IN VIENNA, VIRGINIA, NOT FAR FROM WASHINGTON, A database of all the fake drugs discovered by the world's 18 largest drug companies is kept at the Pharmaceutical Security Institute (PSI). The data maintained by the PSI may well hold the key to saving millions of innocent consumers from ingesting lethal counterfeits of the industry's best-selling medicines—but it remains inaccessible to outside inquiries for what the industry calls "security" reasons. Fake drugs are indeed the pharmaceutical industry's most closely guarded secret.

But in September 2002, at a conference in Geneva, a man named Emmanuel Kyeremateng Agyarko made a startling admission. The conference brought together top government officials, scientists, private investigators, and the world's biggest drug companies for the first global forum to discuss the explosion of fake pharmaceutical drugs in a racket spreading to the West. The media were expressly not invited into the meeting at the luxury hotel overlooking Lake Geneva.

Speaking up from the audience, Agyarko explained how one month earlier he had discovered a deadly counterfeit of the children's malaria syrup Halfan, which had been diluted to 40-percent strength. Halfan is made by the British drug giant GlaxoSmithKline (GSK). The syrup is a lifesaver for serious cases in Africa, where a resurgence of malaria is killing more than a million people a year, 90 percent of them children under 5 years old.

The fake was discovered on sale in a pharmacy in Kumasi, Ghana's second-largest city, with a population of approximately 862,000. "It was atrocious," he recalls of the diluted medicine. "At 40 percent, if anybody takes it they won't get the desired effect, particularly children. Any malarial infection that is not properly treated could easily end up losing the child." As chief executive of the Ghana Food and Drug Board, Agyarko says he prepared a warning and then called GSK.

What followed is disputed to this day.

According to Agyarko, corporate staff from GSK's London headquarters came to his office, took away five bottles of the fake syrup for testing—and asked him to withhold any warning. "We were going to issue a public statement," Agyarko explained, until GSK told him, "Please, don't put that in the press. If you do this you will damage our product." He recalls that GSK offered to send in a sales team to remove fake Halfan from Ku-

masi if his agency kept the story out of the media.

"[GSK] raised the issue of a problem with the brand if you go out and say that there is a batch that is counterfeited They sort of talked us into accepting the fact that if we did [report the fakes], it would badly affect the product. I wouldn't want to use the word 'pressure.' We were encouraged to the view that this was not something that was a large amount."

After his meeting with GSK, Agyarko's agency issued no warning. He later came to fear that children could have died as a result of that decision. The company never reported back to him, and he suspected that fakes were still available. "If it does come up again I would not hesitate at all to go public on the matter," he says now. "I wouldn't give [GSK] the benefit of doing it themselves."

Did GSK indeed ask him to withhold the warning? Did children in Kumasi suffer or die from using fake Halfan? At the time, GSK advertising featured a photograph of a healthy, smiling African girl to project the image of a caring company. The corporate Web site opened with the girl's picture and the GSK mission statement: "Our global quest is to improve the quality of human life by enabling people to do more, feel better and live longer." Moreover, GSK depicts itself as an industry leader in fighting pharmaceutical fakes. "Fake drugs can kill people," according to the company's official policy. "Counterfeits deceive patients."

When I brought Agyarko's story to the attention of GSK's director of international public policy, Jessica Hughes, the corporate response was adamant denial. Louise Sibley, then GSK's vice president for communications, denied that the Kumasi incident ever occurred, and went further to deny that the company had ever received Agyarko's alert or his fake Halfan samples. In a corporate statement, she said, "[W]e were not provided with any samples of fakes by the authorities in Ghana, nor were any reports of fakes lodged with us."

Informed that Agyarko was sticking to his claim, Sibley promised, "If there's a misunderstanding I'll run this into the ground." I suggested that the company's security director, Graham Satchwell, would know whether GSK had received Agyarko's alert and samples. "I put in a call to Graham Satchwell, but I think he must be traveling," she later told me, adding, "I don't think we are going to have anything more to say on it."

It was simply Agyarko's word against GSK's, and because he insisted that the company had the only evidence, the controversy might have ended there. But a pair of Oxford University scientists had reason to suspect that Agyarko's story might be true. Based in Bangkok, professor Nicholas J. White and Dr. Paul Newton of Oxford's Centre for Clinical Vaccinology and Tropical Medicine had been rebuffed by GSK when they asked about

fakes of Halfan syrup for research to assess the spread of counterfeit malaria drugs in Southeast Asia.

"It's despicable," says the lean, shrewd White, at 54 one of the world's top malaria experts. "One packet or bottle is the difference between life and death. Poor people normally invest everything in that one medicine. You've got one shot and that's it. They often don't know why they are suffering and their children have died." At the scientists' request, Agyarko teamed up with them to try to prove that the company indeed had received his fake samples, and to find out what GSK really knew about the fake Halfan. White had also asked me to assist the team's research because I had reported on the racket for the London *Guardian* and *Times* newspapers over a period of almost 20 years. (One night before flying back to Beirut in 1982, I met a marketing executive from Beecham (now GSK) who asked me to look for counterfeits of his company's Amoxil antibiotic, which he believed "the PLO was faking." After an investigation that included a frightening car chase, I learned that everyone on all sides of the Middle East conflict was making the stuff because the trade was so lucrative.)

WHY WOULD A CARING COMPANY WANT TO STOP A warning that could save a sick child? In fact, had Agyarko uncovered one of the main causes of the extraordinary spread of fake-drug racketeering? Had the years of inadequate regard for Third World customers by the pharmaceutical industry and governments allowed the racket to move out of the backstreet labs to become a vast criminal enterprise that now accounts for 10 percent of all available medicines? Agyarko's story offered the first insight into why the racket flourishes largely unchallenged—and sparked a demand to break the industry's secrecy.

What began as a hunt for those missing bottles eventually revealed a murderous global trade in fake drugs targeting the sick, vulnerable, and poor. It grew into a survey to discover what major drug companies do—and don't do—to warn patients about fakes. Agyarko's missing bottles were only a symptom of a far deeper state of denial—and a clue to the resurgence of malaria in Africa.

IN ESSENCE, THE GLOBAL TRADE IN FAKE DRUGS OPERATES as a mirror of legitimate commerce. The producers of fakes sell them to dealers who infiltrate them into the retail market. Profits flow from the capacity to counterfeit valuable commodities at very low cost. As the fakes pass from producers to wholesalers to retail outlets, everyone can take a profit and yet still deny complicity.

The pharmaceutical industry and the agencies responsible for protecting the public differ widely on the magnitude of the counterfeiting problem. The Food and Drug Administration (FDA) estimates that around 10 percent of all available medicines are now faked in a racket earning \$35 billion a year. The figure exceeds 50 percent in parts of Africa and Asia. The PSI estimate is between 1 percent and 2 percent. Within the industry, however, that figure has little credibility. In a scathing editorial in April 2005, the online U.S. magazine *PharmaManufacturing.com* asked: "Why does the industry continue to shy away from developing the infrastructure needed to assess the size of the global

problem? The answer is simple: fears of bad publicity and impacts on stock prices."

Millions of people are left to suffer and die from fake drugs while the industry denies access to information that doctors say could save them. The industry insists that its data on fake drugs must be restricted for security and to avoid public panic. But White believes that the underlying reason is simply profit. In a chilling assessment of pharmaceutical-industry ethics, he says, "Their marketing people must have made the calculations that they are likely to make more profits by not publicizing than by publicizing."

The Oxford team concluded that most fake-drug data is kept secret because drug companies fear that publicity will harm sales of brand-name drugs in a fiercely competitive business. That has been the industry practice for over 25 years, but the human toll is gradually emerging. In 2001, China reported that 192,000 of its citizens had died from fake drugs. White guesses that between 500,000 and 1 million people die from fakes every year. "I believe that people must have died in their millions," agrees Dr. Dora Akunyili, the drug regulator of Nigeria and an associate of the Oxford team. "It is mass murder—terrorism against public health." To her, companies that conceal fake drugs are not much better than criminals. "They are [maintaining secrecy] because of their selfish gain, because they don't want to lose money," she says.

This month Akunyili, 47, will receive the 2005 Grassroots Human Rights Campaigner Award in London's Houses of Parliament. The streetwise doctor cuts a dashing figure with her traditionally colorful Nigerian costume and hats—one of which she keeps in her office shot through by the bullet that creased her scalp when she was caught in a hail of gangster gunfire.

Only as fake drugs spread into lucrative western markets are drug companies and governments finally contemplating determined action against a scheme that the makers of Rolex watches and Gucci handbags have fought in public for decades. There are two victims of fake drugs: companies that lose sales and patients who lose their health. Why don't they work together? GSK's Louise Sibley told me, "It's not our job to give public-health warnings. We don't make the fakes." Drug companies pursue fake-drug manufacturers by using their own security and hiring private investigators to trace and facilitate the closing of fake-drug factories. By using covert means, the industry avoids any assessment of its efforts and is accountable to no one.

THE OXFORD TEAM'S FIRST BREAK IN THE GHANA CASE came when Dr. Newton found a GSK laboratory analysis of counterfeit Halfan syrup in an obscure Internet technical journal on mass spectrometry. He wondered whether that syrup came from Agyarko's bottles. The GSK research center in Britain had made a breakthrough in identifying fake-drug ingredients—the chemical "fingerprint"—in the samples. Their tests showed that the fake syrup contained no halofrantrine active ingredient and had two sulfa additives that Newton knew to be dangerous and should have been made public. But GSK's scientists, who had quoted Newton's own research on fake malaria drugs in their report, rejected his request for the source of their fake syrup. "Analyzing counterfeit products of ours can be a very

sensitive issue, and if I was to give you further information I would need to clear it with our corporate security and investigations department,” a GSK researcher told him in an e-mail. “The product presented in the paper was found in Central Africa, but for legal reasons, I can’t be more specific at the moment.”

The courteous, donnish White then wrote to Satchwell, the GSK security chief, asking for the source of the fake Halfan syrup and to know whom, if anyone, GSK had warned. A reply arrived from the company’s international public-policy director, Jessica Hughes, who refused to provide answers about the fake syrup but acknowledged “counterfeit Halfan is present in Nigeria and Sierra Leone.”

The Oxford team’s hunt moved to Nigeria, the hub of West Africa’s fake-drug trade and a country notorious for corruption and violence. In June 2002, Nigeria’s drug regulatory body, the National Agency for Food and Drug Administration and Control (NAFDAC), had also alerted GSK to a discovery of fake Halfan syrup—two months before Agyarko’s warning. As NAFDAC’s chief, Akunyili had issued an immediate public warning through a system set up to identify fake drugs to patients and health workers. Every month, in fact, NAFDAC destroys tons of fake drugs. A typical list includes faked versions of products from the Pfizer, Hoffman La Roche, Novartis, Unilever, Janssen, Astra Zeneca, Boots, Hoechst, Pharmacia & Upjohn, and GSK companies.

Akunyili was furious to hear that her Ghanaian colleague Agyarko had withheld his public warning at GSK’s request. “No company would have the courage to tell me not to publish anything,” she says. “We will still issue a warning even if we find it in just one shop. If you find any fake-drug product in only one shop you can be sure it is in many villages ... People die all the time.” She is driven by the death of her sister Vivienne, a diabetic who received fake insulin. She says that she herself has been a victim of fake Halfan and Amoxil antibiotics. There had been no public warning in either case. “I didn’t know that Halfan had been faked,” says Akunyili. “Everybody can be a victim.” She joined NAFDAC in 2001 when Nigeria suffered from a wave of fake drugs comprising up to 80 percent of the market. Now she is a national hero, known as “Dr. Dora,” who publicizes the counterfeits in schools and villages, roots out corruption, and travels to India and China to stop the fakes at their source.

Eventually the Oxford team learned that GSK had known about a global trade in fake Halfan since at least December 2000, when Belgian customs officials seized a vast haul of GSK counterfeits in transit from China to Nigeria. The Belgian haul included 57,600 packs of fake adult Halfan capsules, along with more than 15,000 packs of Amoxil and Ampiclox antibiotics. GSK says it informed the Nigerian health authorities of the haul. The counterfeiter’s trial revealed that fake GSK drugs were being produced on an industrial scale in factories in China and Thailand. In all, Chinese investigators seized 43 tons of fakes of 17 brands made by seven major drug companies, which only represented a fraction of known output. Chinese authorities say that in 2001 they closed 1,300 fake-drug factories while investigating 480,000 cases worth \$57 million.

White’s attempts to publish the Oxford team’s findings were rejected by the leading medical journals—including *The Lancet*, the

British Medical Journal, and *The New England Journal of Medicine*—and several U.K. newspapers. But in October 2004, one year after GSK had denied any knowledge of his fake Halfan discovery, BBC Radio reported Agyarko’s claims. Faced with the broadcast, the company’s London head office reversed position to acknowledge that it had received Agyarko’s alert—and that it had the fake Halfan syrup bottles all the time. In a new statement that admitted GSK staff had “bumped into” Agyarko, the drug giant still insisted that “[a]t no point was any pressure put on the Ghanaian authorities not to issue a public warning on fake Halfan.”

By then Louise Sibley had left GSK. Louise Dunn, the company’s new vice president for communications, had a new explanation. “There was some confusion over the interactions with Mr. Agyarko,” she said. “The key point here is that there was no wrongdoing.” Neither Sibley nor Dunn had ever called Agyarko, although Dunn says that he “never complained to us.” She added, “There was no intention to hide anything. In our view there were minor discrepancies.”

Among those discrepancies was the complete disappearance of the fake Halfan bottles that the company finally admitted receiving from Agyarko. GSK claims that no trace of the Kumasi fake Halfan sample survives. “Mr. Agyarko did provide us with a sample of the Halfan,” says Dunn. “But we don’t have any records of the tests. What our procedure would be now is that absolutely everything gets tested at the time.” She says it is no longer possible to compare the Kumasi fake to other fake Halfan syrups in Africa, which would be the key to mapping their source and spread. The disappearance of the critical evidence also eliminated any chance of using the syrup’s chemical fingerprint to identify possible victims.

As for the fake Halfan syrup whose test results were found online by Newton, Dunn says that sample came from Sierra Leone. She says that the company informed the Sierra Leone minister of health about those counterfeits. But the Pharmaceutical Board of Sierra Leone, which investigates all fake drugs and issues public warnings, never received any such information from GSK or the minister of health, according to the board’s director, Michael J. Lansana, who called the omission “unfortunate.” The head of Sierra Leone’s Malaria Control Program, Dr. Sirian Kamara, who works with Lansana to uncover fake drugs, also says that no warning ever arrived.

Most curiously, the news of Agyarko’s fake Halfan alert never reached Graham Satchwell, then GSK’s security director. Asked about the Agyarko case at a conference in Paris in March, he was stunned. “I know nothing of that!” he shouted from the conference platform. “If you are trying to suggest that I would [in] any way conceal anything that would cause the death of anyone, let alone children, then you are very mistaken indeed.”

Later, Satchwell told me that he had led GSK’s anti-counterfeiting operations, and that he should have received all reports of fake drugs, including Agyarko’s Halfan find. No one at GSK told him about the Kumasi case or about the attempts to contact him concerning Agyarko’s claims. A former U.K. policeman, Satchwell took personal risks as an undercover buyer to obtain fake drug samples. He has testified at congressional hearings on fake drugs. Sir David Hare, the British dramatist, has lionized Satchwell’s in-

tegrity in a play exposing government and corporate negligence. Why was he not told about the Agyarko case?

"There is a large anti-counterfeit team at GSK," says Dunn, "so the involvement or noninvolvement of one individual is not unusual or significant." But Satchwell questions the official GSK version.

"If GSK knows that the [fake] sample was received," he says, "then they should know who received it and what happened next. If a test was undertaken, then the results would have been recorded. The department concerned with doing that were an efficient and organized bunch." Satchwell was pushing to build up a record of all fake GSK drug cases to be used for intelligence analysis to trace sources and pathways. "There are umpteen things you can profile within the packaging and the product in order to identify counterfeit 'strains.' This was—and is—done."

GSK declined to allow any interviews with Louise Sibley or the GSK staffers who met with Agyarko. As for Satchwell's comments, Dunn says, "We have no comment." The company's fake-drug policy states, "GSK rigorously investigates any case of suspected counterfeiting." But GSK still refused to answer questions about the actions it took following the fake Halfan syrup find in Kumasi. And Dunn says she cannot understand how withholding fake-drug data can harm patients. "I would like some evidence," she says.

There is no way of finding such evidence—yet. For "security" reasons, the industry's fake-drug data is kept confidential at the PSI, which collates fake-drug discov-

eries made by the world's 18 biggest drug companies, including Pfizer and GSK, dating back more than a decade. The institute's stated goals are "protecting the public health" and "sharing information on the counterfeiting of pharmaceuticals." Whether it fulfills either is questionable. Dr. Lembit Rago, director of medicine safety for the World Health Organization, has been frustrated by the PSI's secrecy. "We've been discussing it with [the PSI] for a long time," he says, "but they are not willing to open up the databases. They really don't like [the idea]."

A PSI spokesman insists that the secrecy is necessary to prevent criminals from being tipped off before police arrests. But Chris Jenkins, a founding member of the PSI now serving as an analyst and associate director at Pinkerton Consulting and Investigations, says there is an additional explanation. "At the outset, we [PSI] were against having data online that anyone could interrogate," says Jenkins, who set up the original PSI fake-drug computer data system in the 1990s, with its access restrictions. "There were also commercial reasons. If a patient came to harm as a result of a counterfeit product, the company's good reputation is in danger of disappearing, together with a loss of confidence in the products. From the company's perspective, there is then the inherent danger of rival products being preferred in the marketplace."

Jenkins says that the industry's security regime was designed to prevent the major drug companies from using fake-drug information to take commercial advantage of one another.

"The one thing we were trying very hard to do was to keep [data] out of the hands of the commercial people in any of the

companies," he says. "We always had this possibility, which is why things were sanitized. One had to produce reports for the CEO, but beyond that it was kept very close. The only people [in a member company] nominated to PSI were senior people with anti-counterfeit responsibilities, such as security directors and IP lawyers. You can imagine trying to get 20 top companies trying to share information, a lot of which was extremely commercial-in-confidence. The importance of meeting sales targets is such that you can even find cutthroat competition between different operating divisions of the same company, let alone between two companies competing in the same market with similar drugs."

Could that explain why Graham Satchwell never learned of the fake Halfan in Ghana?

Dr. Sebastian J. Mollo of the PSI confirms that data is routinely withheld from members. "Since [PSI's] inception, it was recognized that a great deal of this information would remain confidential and would not be disseminated. There is proprietary information that cannot be disclosed, either to peer member companies or to the general audience."

***"If GSK knows the [fake] sample was received,"
Graham Satchwell says, "then they should know
who received it and what happened next."***

The industry has turned fake-drug data into a potential weapon against itself, inadvertently offering the racketeers a layer of immunity they never could have imagined. Some companies have, on rare occasions, issued public warnings, including GSK (and Johnson & Johnson, Serono, Hoechst, Wellcome Foundation [now GSK], Merck Sharp & Dhome, and Genentech), but the list is tiny compared with the racket's size. "Fake drugs should be reported like infectious diseases," says White. "By not making the public aware you create a market (for fakes). Drug companies are making it easier for the criminals."

High profits, low costs, minimal legal risks, and little publicity are drawing crime gangs away from arms and narcotics. High-tech photocopiers turn out perfect drug packaging for every type of treatment for heart disease, birth control, meningitis, kidney disease, cancer, or depression. Out-of-date and damaged drugs get relabeled for sale, transforming a \$22 drug into a \$450 drug by creating a higher dosage label.

Most fakes are made in China, Southeast Asia, India, Russia, and the Middle East and then infiltrated into the legitimate global drug-distribution system. What is surprising is how many ordinary people are needed to make the racket work. Officials and health workers meant to protect patients are bribed and intimidated to put fake drugs into a distribution system that is like a sieve. "An awful lot more [fake drugs] get through than are seized," says Jenkins. Inside the system, fake drugs are very hard to find and then are often ignored, even in the United States.

Once taken, a fake antibiotic pill made of rice starch or a vaccine made of water is virtually untraceable in the body. Victims succumb to their illnesses, leaving no sign of a crime. In the absence of investigations, very few victims have ever been unidentified. Its anonymity has allowed the racket to be ignored and to thrive.

The most vulnerable are malaria victims. The resurgence of malaria now affects more than 500 million people in Africa. Mosquitoes carry the disease in a “meal of blood” passed from one human victim to another. The most dangerous parasite, *Plasmodium falciparum*, kills more than 800,000 African children under 5 years old annually, according to the World Health Organization. It is Africa’s biggest child killer, destroying families, health services, and economies. But the role of fake drugs in promoting malaria is barely ever mentioned.



In November 2005, for example, Bill and Melinda Gates gave \$250 million to fight malaria. “It’s a disgrace that the world has allowed malaria deaths to double in the last 20 years, when so much could have been done to stop the disease,” declared the Microsoft billionaire. “Millions of children have died.” Is Gates aware that his generosity and the efforts of pharmaceutical research-and-development staff are being diluted by fake drugs? Experts are linking the resurgence of the disease to the growth of fake drugs, in a terrible cycle of neglect over the past two decades.

The explosive growth of malaria has created a sales boom for both drug companies and counterfeiters. “Anti-malarial drugs have now really become the focus” of the fake racket, says Dr. Allan Schapira of the World Health Organization’s Roll Back Malaria project. “It is murder. It is incredibly cruel.”

THE MARKETING OF FAKE DRUGS AND THE RESURGENCE of malaria are inseparable. “It kills the voiceless children, who cannot protest,” explained Dr. Martin Meremikwu of Nigeria’s Calabar University at the launch in October of Gsunate Kit, a new artesunate anti-malarial drug. “Malaria hardly kills adults, which explains why we don’t seem to give the

fight against malaria enough attention. The tragedy is that while 90 percent promptly take drugs when they have malaria, only 15 percent get ‘good’ drugs. The fraudulent practice of fake-drug manufacturers, inappropriate use of the available drugs, and the mutation of the malaria parasite are responsible for the resistance of malaria parasite to drugs.”

No one has assessed the extent of fake malaria drugs in Africa along the lines of White’s project in Southeast Asia. Anti-malarials are known to be among the most faked drug types. But the danger does not stop there. The use of fake drugs is helping the malaria parasites to quickly mutate to become resistant to new drugs. Akunyili says diluted fake drugs are “feeding the malaria parasite with little doses” that build more resistant strains. You don’t have to take a fake drug to suffer its effects. Resistance is accelerated and then spread by mosquitoes to the next victim.

As more patients fall prey so the need for more drugs grows, encouraging the trade in fakes that fuels the cycle. Dr Jan Rozen daal, believes that fake drugs were causing most malaria deaths in 1998, when he was running the European Community malaria project in Southeast Asia’s Mekong region. But such warnings have gone largely unheeded. This leaves questions about the effectiveness of any new drugs while the use of fakes is rife.

There is a lot of money to be made in combating malaria. GSK’s tests of an experimental malaria vaccine on children in Africa were greeted last year with a ringing headline in the London *Times*: “Malaria vaccine to save millions of children.” Within a month, the British government had made an unprecedented \$5 billion presale for the still-unproven vaccine (and was criticized by

malaria experts for investing so much in one Western company).

But while a company can be paid billions for a new drug, its patients have no guarantee of getting the real thing. There is little incentive to publicize the danger. Vaccines have been faked with tragic results. The 1995 Niger meningitis epidemic led to the worst known fake-drug incident, when 60,000 people were given vaccines made by SmithKline Beecham (now GSK) and Pasteur Merieux before they were found to be nothing but water. Some 3,000 people died. SmithKline Beecham was criticized in the French press for failing to take legal action amid speculation that it feared damaging trade with Nigeria, which had donated the fake vaccines. No one has been prosecuted.

HAS THE PHARMACEUTICAL INDUSTRY MADE A HUGE miscalculation by using a strategy that now harms its own interests as well as its customers? Without effective laws or close cooperation among companies, governments, and international organizations, the racket has metastasized. White and Akunyili want international legislation to end the secrecy by enforcing mandatory reporting by drug companies of all fake-drug finds, and for government authorities to investigate

and issue public warnings. "This is not a role for the pharmaceutical industry which has a serious conflict of interest," says White, who also wants PSI data opened to health authorities. "The information kept on PSI databanks could absolutely help limit the number of casualties from fake drugs. It is entirely preventable."

Akunyili says the next and most difficult step in the campaign against counterfeit drugs is to identify the victims. In the case of Halfan, it could be possible to detect the link between the criminal and the victim by checking the chemical fingerprint developed by GSK against that of the fake syrup. But is there any will to find the victims?

So far, the PSI has resolutely refused to disclose its data for public-health warnings.

The pharmaceutical industry, backed by the FDA, is pursuing a different strategy to stop counterfeiting, such as high-tech covert markers in drug packaging. But when GSK put holograms on its Halfan, according to Akunyili, "these criminals faked their hologram." She believes that consumers represent an untapped pool of highly motivated "detectives" who could hunt down fake drugs to protect both themselves and the industry. White agrees that the public should be told which drugs are being faked without companies revealing sources. Such public warnings directly attack the racket itself. "When people stop buying fakes the market dries up," says Akunyili. "Companies benefit in the long term."

When the racket began to take off in 1982, Hoechst pharmaceuticals discovered the power of publicity against counterfeits in Beirut, where wartime conditions had encouraged a plague of fakes. Hoechst fought back with an advertising campaign warning patients about a fake of its diabetes drug Daonil. There was no panic and there were no lost sales. Indeed, Hoechst says it gained credibility, and when its customers stopped buying fakes the supply dried up. Why don't drug companies use this vast resource of human intelligence and let consumers check their own drugs?

Clearly the companies worry that the victims will come back to haunt the industry—creating the legal and public-relations disaster the secrecy was meant to prevent. Chris Jenkins believes that the PSI could face a legal challenge to open its databases. "Only the PSI has an overview of the known racket," he says. "In theory, every fake-drug case reported by the companies should be on there." Pieced together, the PSI fake-drug data could reveal the scale of the racket and its human toll through specific companies, drug names, discovery dates, and locations. Jenkins and other private investigators fear that they, too, could be held liable for keeping confidential the fake-drug data they have obtained for pharmaceutical clients.

Such fears have been stimulated by a series of breakthrough court cases in the United States, which argued that a drug company may be liable for the safety of its customers if it possesses information that could save them. It is a question with implications for millions of patients around the world.

It will probably never be known if any children suffered from diluted Halfan in Ghana. But in 2002, around the same time that the fake syrup turned up in Kumasi, prosecutors in a courthouse in Kansas City were exposing the horrors of fake drugs in America—and the identity of their victims.

On December 5, 2002, Kansas City District Judge Ortie Smith changed the perception of the racket from that of copyright infringement to mass murder. Pharmacist Robert R. Courtney pleaded guilty to diluting the cancer drugs Gemzar, made by Eli Lilly, and Taxol, made by Bristol Myers-Squibb. Courtney made extra money, and at least 17 patients died. Judge Smith told him, "Your crimes are a shock to the conscience of a nation, the conscience of a community, and the conscience of this court. You alone have changed the way a nation thinks." He sentenced the pharmacist to 30 years in prison.

Investigations by the FDA and the FBI—of a case that had been the FBI's top priority until September 11—found that since 1992, Courtney had diluted 72 different medicines, affecting some 400 doctors and more than 4,000 patients. During the hearing Assistant U.S. Attorney Gene Porter apologized for identifying the victims by code numbers instead of their names. Noting that they were indeed persons, Porter read out the names of the 17 women who died without any warning from Courtney's diluted drugs. They were, wrote *Kansas City Star* reporter Mark Morris, "brave women, fighting desperately against cancers that never seemed to get better, no matter how many treatments they endured."

What happened next riveted the attention of the pharmaceutical industry—and its lawyers.

Victims and surviving families filed hundreds of lawsuits against Courtney and against Eli Lilly and Bristol-Myers, alleging that the two companies knew or should have known that Courtney was diluting their drugs because sales data showed that he sold greater quantities than he bought. The companies denied any liability and argued that they had no duty to protect their customers from Courtney's criminal acts. But faced with the prospect of a legal precedent that could hold drug companies responsible for fake-drug victims where they had knowledge of the racket, Eli Lilly and Bristol-Myers Squibb settled more than 300 lawsuits out of court—without any admission of wrongdoing. In February 2003, Courtney's victims received around \$71 million in settlement payments from the companies.

What would such an investigation reveal in Kumasi, or a thousand other African or Asian communities? Whether it is brought about in courts or through government action, the mandatory reporting of fake drugs would save potential victims everywhere.

IN THE 2004 GSK CORPORATE RESPONSIBILITY REPORT, Chairman Sir Christopher Gent and CEO Dr. JP Garnier assured stockholders, "Our ten corporate responsibility principles set the standard for everyone, since responsible business is only a reality if it is practised by all employees at all times. ... We invite you to read this report for more information on all our corporate responsibility principles, and we welcome your comments and suggestions."

As Holly Martins said, "Have you ever visited the children's hospital?" **TAP**

Robert Cockburn is a writer and a former foreign correspondent who has reported for the Times of London and the BBC.



Shots in the Dark

You may have forgotten “missile defense,” but Rumsfeld hasn’t. He’s still pushing a useless, secretive—and very expensive—system.

BY JOSHUA KURLANTZICK

ON A FRIGID DAY IN ALASKA LAST WINTER, A rocket, designed to simulate an incoming missile launched at the United States, blasted out of the ground. Fifteen minutes later, an interceptor rocket was to be deployed from a site in the Marshall Islands, knock down the deadly missile, and save America.

That was the early February 2005 flight test of the Missile Defense Agency’s (MDA) Ground-based Midcourse Defense, a program at the heart of the Pentagon’s vaunted national missile defense that President Bush had promised would be operational by the fall of 2004.

If this had been real life, some U.S. city would have been incinerated: The interceptor rocket never made it off the launch pad.

It was the second test failure of the system in three months. In a December test, which cost more than \$80 million, the interceptor rocket had failed to launch because of what the Pentagon called “an unknown anomaly” that it insisted was “a very rare occurrence.”

Only days prior to the February launch, the Pentagon was still struggling to fix at least 20 glitches in the system. On test day, the faulty software created an abort command before the interceptor was supposed to launch. “At the rate they’re going ... it could take them 50 years to do the kind of developmental testing” necessary for the system to work, said Philip E. Coyle, a missile-defense expert at the Center for Defense Information who performed much of the oversight on the program under President Clinton.

Pentagon officials, however, didn’t seem overly worried about the flubbed test. As *The New York Times* reported, in the wake of the failure MDA spokesman Richard A.

Lehner was looking on the bright side. Lehner announced that the agency had learned “quite a bit” from the aborted test and called it “a very good training exercise.”

Though the Pentagon won’t admit it, missile defense, one of the bedrocks of the Republican national-security doctrine, is virtually useless today. The MDA has lavished money on a system of interceptors that is nowhere near operational and might never work—a rushed effort that diverts resources from other vital priorities, like the fighting in Iraq and Afghanistan, while making it harder to develop defense against longer-term missile threats. And it’s not just outside analysts, dismissed by the hawks as doomsayers, who realize that missile defense is a train wreck. Throughout the history of the program, the government’s own internal reports and analyses, buried out of public view, have shown it could be an abject failure.

The trouble is that the administration is not looking to abandon the program. On the contrary, missile-defense officials have said that testing, halted after the February failure, will resume, and the coming year likely will be crucial to the future of missile defense, which Pentagon officials constantly claim is on the verge of being operational. Secretary of Defense Donald Rumsfeld has been close to declaring the missile-defense system active or deployed. If declared active, missile defense would in theory be responsible for protecting Americans, something the program simply can’t do. Declaring it active would ensure there’s no turning back—and that billions of dollars continue being plowed into the program, already the most expensive military research-and-development program under the Bush administration. Ultimately, missile defense could be one of the costliest defense boondoggles in history.

THE CURRENT MISSILE-DEFENSE PROGRAM IS THE OFFspring of President Reagan’s Strategic Defense Initiative, popularly known as “Star Wars,” an anti-missile shield against Soviet ICBMs. It is a program beloved by hawkish Republicans, who for two decades have seen it as an ideal way to protect America without having to rely on allies or treaties. Long-term boosters of the program include Rumsfeld, who headed a 1998 commission overplaying the missile threat, and then-CIA Director George Tenet. In 1999, the GOP-led Congress formally called on President Clinton to deploy a missile-defense system, and Clinton reluctantly complied.

Still, shortly before Clinton left office, a report came out from the Office of the Secretary of Defense, Operational Test and Evaluation Directorate (DOT&E), the part of the Pentagon that performs independent evaluations of weapons systems before they are allowed to keep moving forward. The report, recalls then-DOT&E head Coyle, “said the system was not ready to be deployed.” In the report, Coyle and his lieutenants declared that the system “has not achieved two intercepts nor demonstrated integrated system performance,” used radar whose “performance ... was generally poor,” and would not be ready for deployment by 2005, a proposed target date. When the Pentagon had run tests of the program, they were heavily scripted and did not simulate a real threat; defense officials made sure that global positioning devices were placed on the

rockets to be intercepted, which helped ensure that they were shot down successfully.

That the new administration ignored these warnings was perhaps not unexpected. What is shocking is just how vigorously and unwaveringly it has stayed the course with missile defense, even in a time of escalating deficits and even as the evidence of the program’s abject failure has piled up. Once in office under President Bush, Rumsfeld pounced on the program, while the White House began considering how to withdraw from the 1972 Anti-Ballistic Missile Treaty, a Cold War-era pillar of arms control that outlawed testing ballistic-missile-defense systems. Rumsfeld suppressed the Coyle report; for eight months the Pentagon refused to turn it over to Congress, which wanted to make it public. Reagan’s “Star Wars” initiative had crumbled in part because its failings received so much public attention, so, one official remembers, Rumsfeld began developing ways to reduce oversight of the program by preventing the DOT&E from performing independent analysis.

In the Senate, Democrats, still in the majority, planned to block Rumsfeld’s gambit. “We were going to fight Rumsfeld taking away the oversight,” says one former congressional staffer. “But [September 11] happened, and [Democrats] did not want a floor fight on missile defense.”

After 9-11, Rumsfeld saw his opening. While Clinton had imagined a small number of interceptors based on land, Rumsfeld’s ambitious system would mix interceptors launched from land, sea, and potentially even space, an enormous task that would have drawn criticism inside the Pentagon. But in a memo penned in January 2002, Rumsfeld announced that the Missile Defense Agency would have near-total control over its programs, without having to set exact goals, timetables, or budgets for as long as missile defense was in its “experimental” phase. The MDA would not have to provide Congress and the public with the typical reports required for weapons programs in development, and the DOT&E would not necessarily have access to key missile-defense documents.

Most important, in contrast to the Pentagon’s normal “fly before you buy” policy, the MDA now would not have to demonstrate that missile defense actually works before continuing funding for the costly program. For the 2003 fiscal year, the Pentagon requested a total of \$7.8 billion for missile defense. Yet beyond offering broad plans for using the funding, the MDA neither had to specify how the money would be utilized nor give an estimate of how much missile defense, once completely in place, might ultimately cost. (One group of esteemed economists, adding up the Pentagon’s own estimates, predicted that the system might ultimately cost more than \$1 trillion to develop and operate.) For the missile-defense program, the Pentagon could sign deals with defense companies without complying with normal laws designed to ensure financial openness in defense contracting.

Meanwhile, the Missile Defense Agency began classifying more information as secret, making it harder for outside watchdogs to tell what was going on. Before the Bush administration, “we knew a good deal about planned tests,” says Stephen Young, a missile-defense expert at the Union of Concerned Scientists, a scientific nonprofit. “Now we know basically just which quar-

ter of the year a test might occur ... this may be the most difficult thing the U.S. government has ever deployed."

Even within the government, other agencies and groups couldn't get information out of the MDA. "I tried to make a foray [to the agency] to get a briefing ... they wouldn't even give us a classified briefing," says one former intelligence official with security clearance. Instead, the intelligence officer got the same kind of unclassified information available to the public. "The Department of Defense normally has pretty good oversight of key programs," says one former congressional staffer. "But MDA said, 'We're going to set up our own regime.'"

Missile-defense experts within the administration itself predicted the lack of accountability would be a mistake, that it would allow the Pentagon to conduct Potemkin tests of the program and then spend on it without limit. One internal Government Accountability Office (GAO) report bluntly warned that "[s]ystem effectiveness will be largely unproved when the initial capability goes on alert," and that the Pentagon had no idea of the program's cost. Another internal report in 2003, done by the Office of Test and Evaluation, said that "very little system testing was performed," and that the system might not be able to hit a missile that it didn't know about in advance. In other words, the Pentagon had no idea whether missile defense worked, whether it would ever work, how much it would cost, or what it would even look like down the line.

Still, members of Congress, who had access to some of this internal reporting, said little because the Republicans now controlled both the Senate and the House, and because leading Democrat Evan Bayh, perhaps seeking to boost his national-security bona fides, repeatedly backed missile defense. (In the most recent election cycle, Bayh also was one of the top five Senate Democratic recipients of contributions from the defense industry, according to the Center for Responsive Politics.) According to one congressional source, when missile-defense critics in the House tried to offer amendments imposing some restrictions on the program, the House GOP leadership, like Armed Services Committee Chairman Duncan Hunter, the California Republican, prevented the legislation from moving in committee.

Strengthened by Congress' silence, Bush, Rumsfeld, and their allies stepped up the pace. In December 2003, the president promised that the first part of the missile-defense system would be ready for deployment by September 30, 2004. Less than a week earlier, the nascent system had failed an intercept test. Echoing the commander in chief, Lieutenant General Ronald Kadish, then director of the MDA, told a defense writers breakfast, "We believe by September [2004] we should have the hardware and software and communications capability" to be operational. Another top defense official told Congress he was sure that by fall 2004 missile defense would be "90 percent" effective against an incoming

threat. Bush was even more boastful, reportedly telling employees at Boeing, a major missile-defense contractor, "We say to those tyrants who believe they can blackmail America and the free world, 'You fire, we're going to shoot it down.'"

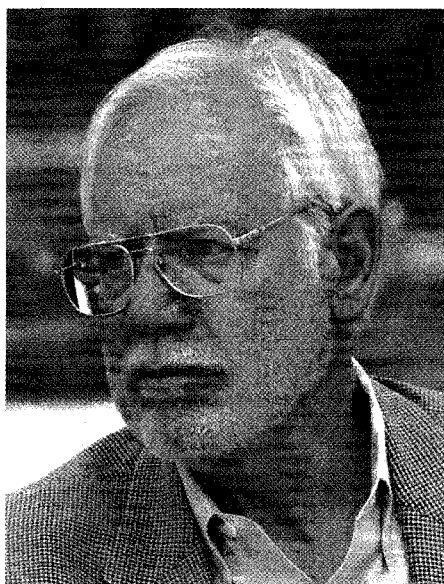
The leadership, however, must have known its system still had no clothes. As Coyle argues, the MDA made realistic testing of the system even less of a priority, both because of Bush's announcement and because it had to focus on quickly building enough ground-based interceptors in Alaska, planned as the first part of the system, for the program to appear operational by September 2004—that is, in time for national elections. "The president's decision ... has lowered the bar on the acceptable standards," Coyle notes. Indeed, by fall 2004, the MDA was furiously trying to construct an enormous, and enormously complex, number of components: an air-based laser, fixed ground-based interceptors, a space-based laser, sea-based missiles, and a complicated radar-and-communications infrastructure designed to integrate all parts of the program.

Yet the MDA was able to keep most criticism quiet. The agency postponed several scheduled tests, and the few tests that went forward remained heavily scripted. In them, the agency continued to propel the incoming missiles slower than an actual attacking missile would fly, placed a radar device on the incoming missile to make it easier to shoot down, and gave the interceptor crucial information about the incoming missile, like its trajectory. Even this apparently was not enough: The Pentagon also announced that it would make even more information classified after 2004. When a scientist at the Massachusetts Institute of Technology (MIT) charged that claims of unqualified success were due to fraudulent claims by defense contractors, and the

school launched an inquiry into his assertions, the Pentagon classified the information MIT investigators said they needed to complete their task.

"The easiest way to ensure accountability would be to publish the results of your tests," but there was no desire to do so, says David Mosher, who follows missile defense at the RAND Corporation. Meanwhile, critical GAO reports got little public attention, and one of the office's own top missile-defense experts, Bob Levin, says the Department of Defense initially just replied "nonconcur" to GAO recommendations for making testing more realistic.

To create a facade of accountability, the Defense Department touted a new organization it had set up, the Missile Defense Support Group, as providing advice to the program. Yet members of the group, comprising mid-ranking officials from within the Pentagon and other parts of the armed forces, told *The Washington Post* that they were not a "critical decision group" and that they learned of some major MDA decisions only after they were made. When any criticism did reach the public, Rumsfeld quickly shot it down. "Did we have perfection with our first airplane, our first rifle, our first ship?" Rumsfeld told the *Post*. "I mean, they'd still



The Critic: Philip Coyle

be testing at Kitty Hawk, for God's sake, if you wanted perfection."

By the fall of 2004, the Bush administration faced a dilemma: Internal reporting showed that missile defense was far from operational, and the program was eating up resources—the GAO would report that in fiscal year 2004, missile defense ran approximately \$370 million over budget—at a time when funding was needed for the Iraq conflict and homeland defense. "All the other programs had taken cuts to feed missile defense," says Mosher.

Still, Bush had promised that the system would be up and running, and the president, as everyone knows, doesn't like to back down. So, the White House fudged. The administration announced that it would not officially activate the first part of the system, the ground-based interceptors in Alaska, until fall 2004, but said that, if needed, the Alaska interceptors could be relied on immediately. During a House Armed Services Committee hearing, Lieutenant General Henry A. "Trey" Obering II, head of the Missile Defense Agency, proudly told representatives, "For the first time in its history, the United States today has a limited capability to defend our people against long-range ballistic-missile attack."

Internally it was a different story. In a Pentagon report, Coyle's successor at the DOT&E, Thomas Christie, reported that the missile-defense system might be only 20-percent effective. A GAO report this spring again warned that missile defense had not demonstrated that it could operate as an integrated system. A report by the Congressional Research Service added, "There is no unambiguous, empirical evidence to support the contention that kinetic kill for [ballistic missile] defense will work."

AFTER THE FEBRUARY TEST FAILURE, THE PENTAGON convened an independent review panel to analyze the program and review testing procedures. The panel produced a report for internal use, a copy of which the *Prospect* obtained from an administration official. Though the panel contained a former leader of the national missile-defense program and a longtime executive in the defense industry, both of whom might be sympathetic to Pentagon programs, the report repeated the same critiques that had been leveled internally at missile defense for a decade. The Missile Defense Agency, it said, had taken dangerous shortcuts in an attempt to get the system running, launching tests without even being sure that all parts were working. The panel predicted future test failures and warned that the current mind-set at the MDA "appears to be 'Prove why we should not fly,' not 'Prove why [we] should fly.'"

Some of this criticism may finally be leaking out of the Pentagon. At the same House hearing where Obering announced confidence in the program, Christie's successor at the DOT&E, David Duma, said, "I don't think you can say the system is operationally ready." And though congressional Republicans, and some congressional Democrats, have traditionally supported the program, the system's spiraling cost and lack of accountability, especially during a time of war, have begun to alienate players on the Hill. Perhaps because of pressure from Congress,

the MDA slashed a billion dollars off its 2006 funding request. The agency also has appointed Kathleen Paige, a respected officer who has overseen the U.S. Navy's more successful—if limited—efforts to create interceptors against short-range missiles.

But a program that has been the basis of the Republican national-security strategy for decades, and that is poised for activation, isn't easily halted. Even Obering admitted that he "could not say with confidence" when there would be realistic testing. The Bush administration has requested more than \$7 billion for missile defense for fiscal year 2006.

Meanwhile, Rumsfeld still appears to be moving toward more formally activating the system, which would require stepping up staffing at interceptor sites (the Pentagon has said it will need nearly \$60 billion for missile defense for the next five years). This spring, the head of U.S. Strategic Command, Marine Corps General James Cartwright, previously known as a skeptic of missile defense, seems to have signed on to putting the system into action, telling a defense trade publication that missile defense is worth the investment, even if it's only modestly effective. Should

Jeff Sessions said the tests weren't failures; they just "didn't have the opportunity to be successful." One panel member replied, "That's quite a spin."

the Pentagon activate the system, it will be active despite the fact that the MDA has yet to demonstrate even once that the system can shoot down a real incoming missile.

"The only way to fix this is to clean house at MDA, fire everyone," says one former Pentagon official. "Anyone really aiming for quality in a product has left MDA after so many years of banging their heads on the wall."

Not likely. Even today, when forthright Pentagon officials like Duma try to get the message out, missile-defense proponents can silence them. Consider the April 2005 hearing of the Senate Armed Service Committee, almost a parody of Congress' supposed oversight function. The chairman, Republican Senator Jeff Sessions, one of the truest believers in missile defense, started the supposedly impartial hearing by announcing, "I feel confident that the last two aborted test launches do not represent setbacks for this important program." Later, the DOT&E's Duma appeared before the committee. Quizzed by Democratic Senator Bill Nelson, Duma admitted that the Pentagon lacks evidence that missile defense's many parts works together, and Obering again refused to say whether the MDA would conduct realistic testing later this year. But Sessions wouldn't let any gloom into the room. After Duma's comments, the senator quickly added, "Those portions of the system weren't proven to be failures; they just didn't have the opportunity to be successful."

As one panel member responded, "That's quite a spin." **TAP**

Joshua Kurlantzick is *The New Republic's* special correspondent.

Sorry, Not Buying

So Republicans want black people to be grateful for their attention? Forgive me, but we're not quite as bowled over as they'd like us to be.

BY ZZ PACKER

NOT LONG AGO, WILLIAM BENNETT—FORMER education secretary, self-styled moralist, and gambler—philosophized, “If you wanted to reduce crime, you could, if that were your sole purpose, you could abort every black baby in this country, and your crime rate would go down.” A few beats later Bennett reminded himself and his radio audience that such a crime-fighting method might be “morally reprehensible.” For me and other blacks, hearing Bennett uphold his racist “blacks = crime” premise was unbearable, and hearing him discuss black genocide in the language of tactical options was otherworldly—a little like interviewing a slew of baby-sitters and having one announce, unbidden, that he would never think of throwing your infant around like a football. Thanks for the reassurance, but I’ll pass.

His mistake was saying what too many Republicans still believe, Bill Clinton said of Trent Lott’s remarks praising segregationist Strom Thurmond and his 1948 run for the presidency. But the same applies to Bennett. As Clinton’s aperçu suggests, these Freudian slips are failures to work according to script and parrot the soothing code words of “compassionate conservatism” that have replaced the now-unfashionable racist rhetoric of decades past. Bennett’s gaffe was the latest in a long parade of such comments by Republicans and conservatives since the GOP made its public gambit for racial inclusiveness under George W. Bush.

Sometimes Republican leaders profess deep sincerity about trying to erase their racial legacy that goes back to Richard Nixon’s 1968 “Southern Strategy.” This past July, Republican National Committee Chairman Ken Mehlman issued a public apology to blacks for that history. “Some Republicans gave up on winning the African American vote, looking the other way or trying to benefit politically from racial polarization,” Mehlman said. “I am

here today as the Republican chairman to tell you we were wrong.”

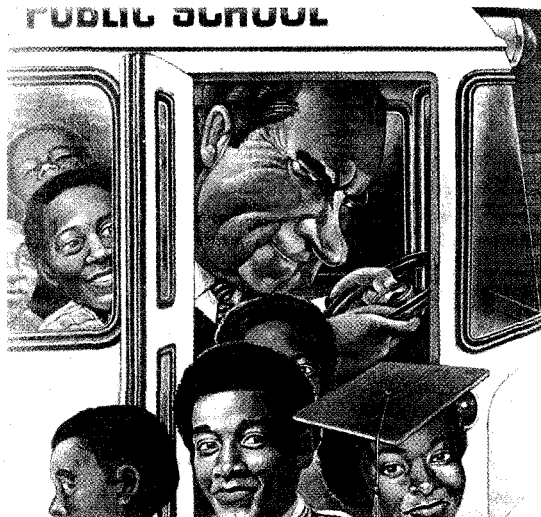
Lovely words. On a personal level, he probably even means them. But the politics of race in this country are about a lot more than Mehlman’s feelings, and you’ll have to forgive me if I—and a lot of other black people—aren’t quite as bowled over as Republican strategists would like us to be.

REMEMBER THE 2000 GOP CONVENTION IN PHILADELPHIA? It was quite a show. Bush had secured the nomination—partly by beating John McCain in the South Carolina primary as rumors were circulated that McCain had fathered a

black “love child.” But now his message was different. Diversity. Or, more precisely, “inclusiveness,” with its attendant connotation that blacks were no longer to be excluded from the country club. To say the 2000 convention was unlike any previous Republican one would be wild understatement: There before us was a sort of Grand Ole Opry meets *106 and Park* spectacle, and at any given moment the convention stage rivaled a college brochure for its unflagging cheerfulness of ethnic folk represented. Black dude? Check. Hispanic singer? Check. Asian chick? Check.

Republicans seemed to realize that unless they peel off a percentage of black votes from the Democrats, they would always find themselves engaging in presidential elections on a near 50-50 split with the Democratic candidate; they’d always find themselves resorting to unsavory, Willie Horton-style politics. Siphoning off just enough votes to eliminate such dead heats could enable Republicans to win without illegally throwing voters off the rolls (Florida) or tabulating votes with machines made by companies in which Republicans have a stake (Ohio).

The key thing is this: The goal isn’t to grab the black electorate in toto. If it did that, the GOP might find itself nominally beholden



to blacks, the majority of whom cite health care, education, and joblessness as issues of most importance to them—issues that are generally at cross-purposes with traditional GOP priorities such as defense, crime, and tax reduction. The GOP would lose its white voters if it for a moment considered pursuing policies blacks want to see in the above areas—and, of course, if it considered relaxing its stances on civil rights and affirmative action. Republicans don't want or need that. They need only to convert 10 percent of registered black Democrats into Republicans or independents (the way station to the GOP for blacks) to accomplish what mobilizing the white fundamentalist vote did in 2004: put the GOP over the edge.

In other words, they can reach out to blacks a little bit, but only a little bit. And so, five years after the *Ebony* and *Ivory* and *Everything In-Between* convention, we still have comments like Bennett's—and Ann Coulter's, who said last year, in an interview with *The Independent*, "To get into university without achievement or grades, you wanna have a name like Shafiqua, Jeffrika, or Leroy." And above the level of fighting words from right-wing propagandists, there are concrete actions of the administration: the brief filed against affirmative action in the Michigan case, the revolting abandonment of the black people of New Orleans, the nomination to the Supreme Court of a man who will surely decide against affirmative action if and when cases come before him.

The nice words of Mehlman are a charade in light of these facts, and, even if the major media like the "black-vote-up-for-grabs" narrative, others are on to the charade. Ward Connerly, the California black conservative who spearheaded that state's drive to eliminate affirmative action on state campuses a few years back, thinks it's time to call it quits on affirmative-action conservatism, precisely because he recognizes that the tension between symbolism and substance is irreconcilable. In the *National Review Online* he writes: "Recent events in the aftermath of Hurricane Katrina have reaffirmed for me ... the complete folly of any Republican strategy to increase black representation in the Republican Party by appeals based on race ... [A]ny effort to attract blacks or any other ethnic group to the Republican Party, based on explicit or implicit appeals to race or ethnic identity, are not only a waste of time and resources, but are also misguided and potentially quite damaging to the nation."

One admires Connerly's honesty, in a way. But Republican leaders can't afford to follow his advice to the letter for one simple reason: They can't afford to be seen as having been on the wrong side of history. When your fourth-grader is writing a paper on Martin Luther King Jr., you can't very well tell her that your party gained a stranglehold on the presidency for most of the last 40 years by deciding to oppose civil rights.

Today Republicans try to sidestep these questions by appealing to blacks in ways that intersect the party's appeal to white conservatives: through religion and values. Republicans hope to



convince blacks, especially religious ones, that the GOP closely mirrors their beliefs on abortion and gay marriage. This worked to some extent in Ohio last year, where Bush increased his black vote (and, of course, carried the state). But the black political analyst Earl Ofari Hutchinson put his finger on something when he wrote, "They dumped millions of faith-based dollars in the pockets of select 'megachurch' black ministers, wined and dined them at the White House, and swayed to the gospel beat at their churches ... [but] found that black Christians and their ministers were also just as passionate about backing affirmative action, having more federal aid for jobs, and education. Their conservatism stretched no further than family-values beliefs."

And that is the key point. The difference between black conservatives and their white counterparts—and the reason that the GOP's current theories about black outreach will never convert very many people—is this: Most black conservatives don't deny that discrimination still exists, whereas white conservatives do—even as they engage it. Colin Powell, at that same Rainbow-Coalition GOP convention, famously gave voice to black cynicism toward the Republican Party, when he said, "[S]ome in our party miss no opportunity to roundly and loudly condemn affirmative action that helped a few thousand black kids get an education, but you hardly hear a whimper when it's affirmative action for lobbyists who load our federal tax code with preferences for special interests."

For the Republican Party to take advantage of many blacks' social conservatism, it would also have to admit that at every point in our nation's history when it was able to make good on the inalienability of blacks' freedom, it said, "No thank you." The procession of abuses leading up to the present is staggering: the hijacking of the 14th Amendment, designed to protect the civil rights of newly freed blacks; the broken promise of the Homestead Act, which allowed squatters to acquire land wealth; the Jim Crow laws in the South and the race codes in the North; the GI Bill, which served as an assimilating tool for Irish and Italian immigrants, promised to compensate service in the armed forces with an education, while that promise

was effectively broken to blacks by the pervasive racism of universities. The list continues from federally sanctioned redlining (which essentially funded white flight), to abstinence programs targeted mainly to black girls—courtesy, no less, of William Bennett's wife.

Not only do Republicans often refuse to own up to the truth of our nation's historical wrongs; they conflate racism and inequality. While the Civil Rights Act may have outlawed de jure racist acts, it was only the first step toward addressing pervasive inequities. Yet conservatives behave and talk as if the act abolished both racism and inequality; as if, with a wand, it erased all the property lost in places like Tulsa, Oklahoma, and Rosewood, Florida—both cities in which prosperous black parts of town were burned to the ground to teach “uppity” blacks a lesson.

THE ABOVE HAS ONLY TO DO WITH THE PAST. IT'S THE present that's even more problematic. Conservatives can't win blacks over if they continue to deny the current inequities facing blacks in America today. If America had racial equality in education and jobs, Franklin Raines of Fannie Mae

If America had racial equality, Franklin Raines calculates, “African Americans would have 2 million more high-school degrees ... 2 million more college degrees ... nearly \$200 billion more income.”

calculates, “African Americans would have 2 million more high-school degrees ... 2 million more college degrees ... nearly 2 million more professional and managerial jobs ... and nearly \$200 billion more income. If America had racial equality in housing, 3 million more African Americans would own their homes. And if America had racial equality in wealth, African Americans would have \$760 billion more in home-equity value, \$200 billion more in the stock market, \$120 billion more in their retirement funds, and \$80 billion more in the bank. That alone would total over \$1 trillion more in wealth.”

But the GOP leadership does not craft its message from the standpoint of these very real facts. It may speak of helping blacks build an “ownership society,” citing a commitment to greater homeownership and “school choice” programs such as vouchers, but blacks understand better than anyone that job security is requisite for homeownership, and that the affirmative action that conservatives rail against has acted more as a safeguard against covert hiring discrimination than it has redressed any past wrongs. Likewise, more blacks now realize that school choice has its roots in the vitriolic anti-busing movements of the 1960s and '70s, that it has always been code for programs intent on keeping white schools white. While vouchers are tempting for some blacks, others who've done the math know the impossibility of an entire nation of private-school attendees—those who

are more affluent will always be able to opt out and finance alternative education, while the subsequent drain from the public schools will starve them out of existence.

Finally, blacks remain all too aware of how too many conservatives still use rhetoric that taps into the resentment of whites who feel that equal rights for one group somehow means fewer rights for them. They take King's call to be judged “not by the color of [our] skin but by the content of [our] character” and pervert it into a rallying cry for whites who feel they've been on the losing end of affirmative action and civil rights. As my mother says of these people, “Where were they when King was in jail?” Where was their rage when their self-styled “race-color preferences” benefited them? Blacks see that there is only one African American in the U.S. Senate, and they see that it is a lot easier for a white “C” student to become president than the black woman who tutored him on geopolitics. As long as the empirical evidence that blacks experience in their daily lives differs from the rhetoric that conservatives deliver, Republicans will remain unconvincing to the majority of blacks.

Even Clarence Thomas understands this much. In *No Room at the Inn: The Loneliness of the Black Conservative*, he wrote:

“Blacks are not stupid ... as long as they view conservatives as antagonistic to their interests ... nothing we say will be heard.” Later, on this same point, Thomas sounded nearly penitent: “There was much many of us who were in the Reagan administration since the beginning could and should have done.”

In a column published in 1996 in *The American Enterprise*, “What's Wrong With the Right,” Glenn Loury, once a prominent

black conservative, explains his defection from the right. “Liberals sought to heal the rift in our body politic engendered by the institution of chattel slavery, and their goal of securing racial justice in America was, and is, a noble one,” he wrote. “I cannot say with confidence that conservatism as a movement is much concerned to pursue that goal.”

Many blacks could not agree more with Loury. Legislative equality, while an immense liberal victory, is not enough if similar discriminatory acts can be practiced covertly. The GOP party line essentially licenses whites to practice the sort of covert discrimination that further cripples blacks—sometimes unintentionally. In denying the many forms of covert discrimination, the present inequities between blacks and whites, and the effects of history, Republicans become the enemy to actualizing racial justice, and thus suspect in the minds of many blacks. Mehlman may appease the GOP's white base one day and apologize for employing the “Southern Strategy” the next, but as long as the party speaks with a forked tongue, and as long as the party's Freudian slip shows every so often as with the Bennett comment, blacks will be awfully unlikely to give the devil his due. **TAP**

Novelist ZZ Packer is the author of Drinking Coffee Elsewhere, a collection of short stories, and a recent Guggenheim fellowship recipient.

Culture & Books

"Neither Alperovitz nor Sperling ... convinces us that the Rosetta stone of progressive economics has yet been found."

—PAGE 54



Diego Rivera Rest Easy: A North Korean propaganda mural

CULTURE

FOLLOW THE (DEAR) LEADER

Do art and culture even exist in North Korea? A new book and a new compact disc open the door—just a crack—on the Hermit Kingdom.

BY RICHARD BYRNE

IN *TEAM AMERICA: WORLD POLICE*, the puppet-film satire of the global war on terrorism made by Matt Stone and Trey Parker (of *South Park* fame), North Korean leader Kim Jong-Il is gleefully depicted as an oddball Bond villain: outsized glasses, Elmer Fudd lisp, a streak of maudlin solipsism, and a team of lackeys including al-Qaeda and Alec Baldwin. He even lures United Nations weapons inspector Hans Blix into a shark tank straight out of *Thunderball*.

This skewering of Kim as pure evil grinding comically along its axis elicits guffaws because it spoofs what little we

know about the "Dear Leader," a vainglorious and wretched dictator who starves his nation and stockpiles nukes. North Korea's gates are kept largely shut, impeding tourism and cultural exchange. The train that the odd foreigner is permitted to take to Pyongyang has high cement walls on either side of the tracks. The barriers extend even to language. As State Department translator Tong Kim observed in *The Washington Post* in September, even skilled negotiators at the six-party sessions tend to talk past one another. "Interpreting North Korea and its intentions is not merely a matter of

translating words," Kim wrote, "but of understanding gestures and symbols."

Many writers have tried to pry open North Korea's shell, and most with limited success. But two new works—one a book, the other a compact disc—that examine the country's art, architecture, archeology, and culture for clues about its leaders and people do so with vigor and immediacy. Jane Portal's concise and brilliant *Art Under Control in North Korea* (Reaktion Books) and Christiaan Virant's compilation sonic collage *Radio Pyongyang: Commie Funk and Agit Pop from the Hermit Kingdom* (Sublime Frequencies) allow Western audiences to see and hear how North Korea became what it is—and where it may be headed.

FORTRESS NORTH KOREA HAS DEEP historical roots. Overrun in earlier centuries by Mongols, Manchu, and the Japanese, Korea's dynastic rulers effectively warded off foreigners well into the late 19th century, when the peninsula won its "Hermit Kingdom" moniker.

The first half of the 20th century proved no kinder. After a brutal 30-year occupation by Japan (which ended in 1945), Korea became the first bloody front in the Cold War, when North Korean Communist troops under "Great Leader" Kim Il-Sung attacked South Korea in June 1950. After a war filled with atrocities and mass devastation, a truce cemented the uneasy division along a demilitarized zone that exists to this day. The human toll of that war was immense, including more than 2 million military and civilian casualties. But as Portal, who works in the Department of Asia at the British Museum, notes in her study, North Korea's infrastructure and culture were also ruined. "By the time of the Panmunjom truce that marked the end of the war in July 1953," she writes, "there was hardly a building standing in North Korea."

The animating force behind reconstruction was Kim-Il Sung's *juche*, a concept usually translated as "self-reliance" and rooted in the nation's misfortunes at the hands of others. Portal observes that while *juche* had clear economic goals (growth of industry and agriculture) and a political model (Korean nationalism revolving around a personality cult), its cultural implications were less clear-cut. "In terms of culture," she writes, "*Juche* is a muddle In practice, the policy handed down to North Korean artists is to produce works heavily influenced by Socialist Realism from the Soviet Union, combined with traditional East Asian technique, such as ink painting and woodblock printing."

***There are moments of sheer juche on Radio
Pyongyang—snippets of praise for the Dear Leader
that fade into opera bearing an eerie resemblance
to Fred Waring and the Pennsylvanians.***

Portal's book demonstrates how both Kims have employed art with brutal efficiency to prop up *juche*'s other two pillars. As is true in many other socialist nations, North Korean art hypes the potential of workers to make advances in industrial and agricultural achievement. One colorful poster places a resolute miner against a backdrop of artillery and mounds of coal with the slogan "Let's Follow the Spirit of the Great General! Let's Enter a New Phase in Coal Production!"

Portal also demonstrates how North Korean art has embraced the personality cult of *juche* with even greater fanaticism than it has the economic aspect. An entire chapter of Portal's book is devoted to "The Kim Cult," cataloging the ubiquity of Kim Il-Sung in North Korean life (official portraits in every home and office) and the variety of his image's manifestations, both large and small. An apotheosis of the cult can be found in a 1980 painting of both Kims in a spacious public room in Pyongyang with models of two massive architectural monuments. Titled *The Great Leader Kim Il Sung and the Dear Leader*

Kim Jong Il Discussing the Plans for the Construction of the Juche Tower and the Arch of Triumph, the painting gathers many strands of the Kim personality cult—dynastic succession, the conquest of public space as personal fiefdom, a mask of benevolence—together on a single canvas that is stunning in its sheer banality.

The power of North Korean art resides not in any craft or feeling but in its stunning capacity for stasis. It is as far from the smashing of icons of revolution as one can get. Whether it be the North Korean versions of what passes for Socialist Realism (tractors blasting smoke as they plow a hellish landscape, or depictions of the Great Leader and Dear Leader gently instructing children) or contemporary

variations on the ancient arts of ink painting and calligraphy (which still retain a place of honor), the sole function of art is to cement the status quo and mask the nation's grim reality.

This powerful stasis complicates matters significantly. The retrograde element in Korean art cannot be reversed simply by elimination of the Kim cult or the infusion of new influences. Rather, art in the service of the Kim dynasty is nourished by the nation's traditions, and by its past and present isolation.

AS HE PUT TOGETHER *RADIO PYONGYANG*, Virant, a Beijing-based composer and disc jockey, was inspired by that isolation, and by the strangeness of what he heard on the shortwave radio emanating from North Korea. There were "spy numbers," broadcasts of women reading series of coded numerals, which he describes in his liner notes as a "sound equal parts haunting and fascinating," and grandly banal musical production numbers that he refers to as "revolutionary pomp."

Yet the aural document he has fash-

ioned from snippets of North Korean media, field recordings, performances, and shortwave-radio intercepts does more than catalog the isolation of the country. It also points out how inexorably the Democratic People's Republic of Korea (DPRK) is being pulled slowly into the larger orbit of global culture and undermining the hermetic nature of the regime. There are, of course, moments of sheer *juche* on *Radio Pyongyang*—snippets of English-language praise for the Dear Leader ("modeling the entire army on the *juche* ideal") that fade into opera sung by massed socialist choirs that bear an eerie resemblance to Fred Waring and the Pennsylvanians.

But listen more closely. It is the cultural collisions on these recordings that really astound the listener. At a number of moments, the outside world is reprocessed by North Korean media and shot back out onto the airwaves: synthesizer-driven pop music stolen from Hong Kong is made more tinny and shrill; twee electronica swiped from Japan is utterly transmogrified and shorn of its Hello Kittyish charm; bits of Italian and Mexican pop are squeezed into electrified and dainty Korean folk. The inferior quality of the cultural recycling and diminution on *Radio Pyongyang* is almost beside the point. What the record proves is that global influences do penetrate Fortress North Korea. Someone in the DPRK is listening to the radio signals that are riding the world's airwaves. In their own way, they are also trying to imitate it.

It's an aural confirmation of a cultural opening that is already under way on other, more official fronts. Take, for instance, North Korea's recent moves to participate in the World Heritage List maintained by the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The DPRK became a party to the international treaty that governs world heritage in 1998, and last year it placed its first sites on the list—a series of 30 tombs from the Koguryo Kingdom, which ruled a vast swath of contiguous territory in the north of both Korea and China from the third century B.C. to the seventh century A.D. Nationalism played an important role in this

cultural opening: A battle over whether Korea or China should claim the historical legacy of that kingdom has been fought bitterly in the last few decades, and it led UNESCO to split the baby by designating Koguryo sites in the DPRK and the People's Republic of China.

But the practical results of this crucial cultural designation also cannot be ignored. It required strong North Korean cooperation with an international organization. It also provided the DPRK with \$600,000 for costs associated with the preservation of the tombs and their uniquely valuable wall paintings.

JUST WHERE THIS SLOW MARCH OF cultural openness in North Korea will lead is difficult to predict. Famine or conflict could roll back the small steps taken very quickly. The rapid cultural reinvention witnessed in the post-1989 Soviet bloc is most likely not in the cards. A change in the cultural scene akin to the astonishing boom in China—now nur-

turing the seeds of a burgeoning artistic underground—also seems unlikely.

The internal politics of North Korea are likewise difficult to read. The parties to the recent nuclear agreement brokered with the DPRK already can't agree on what it means. So if we are to recognize the stirrings of change as they happen, keeping an eye and an ear to what's going on in North Korea's art and culture may be a crucial early indicator as to whether the world's most closed society will indeed open up. If you look and listen carefully, past the comedy and conventional wisdom, those signs and sounds are already coming through. What they are telling us is that however tightly the Dear Leader grips the country, something is squeezing through the cracks. **TAP**

Richard Byrne is an editor at The Chronicle of Higher Education. His work has appeared in The Washington Post, Foreign Policy, Biblioteka Alexandria, and on Time.com.

BOOKS

BACK TO THE FUTURE

AMERICA BEYOND CAPITALISM BY GAR ALPEROVITZ

John Wiley & Sons, 320 pages, \$24.95

THE PRO-GROWTH PROGRESSIVE BY GENE SPERLING

Simon & Schuster, 326 pages, \$25.00

BY RICHARD PARKER

THESE TWO BOOKS—THICK WITH prescriptions for America's future but ensnared in a briary thicket of often arcane facts, acronyms, abbreviations, and figures—represent all the mixed virtues and vices of "pop policy" today (the perils of academic policy being another matter entirely). That is their less interesting feature. The greater is whether, once we've struggled through the thickets, they tell us something encouraging or alarming about the Democratic Party's—and American liberalism's—professional thought cadres, and their relevance to today's wars for political power.

What Gar Alperovitz and Gene Sperling share is a belief that detailed policy

ideas matter in those wars. But the two authors are from different branches of the modern liberal tradition (different generations as well), and their motives, intended audiences, frames of reference, and goals are thus painfully at odds. It is here, however, that, read together, they have something to teach us—though perhaps not what either intends.

Alperovitz is nowadays a 60-something professor of political economy at the University of Maryland, just outside Washington, D.C. Forty years ago he was a young New Left avatar, much admired for his *Atomic Diplomacy*, a coruscating revisionist history of American motives for dropping the bomb on Hiroshima.

Over the next 30 years, his attentions turned from military and diplomatic history to writing about—and sometimes working to carry out—a variety of domestically focused "alternative economic scenarios." Funded primarily by small foundations, he once described his work as aimed at "a socialist alternative" (more Fabian than Marxist, to be sure), but today—reflecting the truncated hopes of the left—says it is all about humane and reasonable improvements to our market-based economy.

Many of his proposals, which he believes could lead America to rebirth as a "Pluralist Commonwealth," will be familiar to progressives of his generation, as they involve various and sundry schemes for worker ownership, major amelioration in working conditions (a 25-hour workweek, he says, should be a major goal), diverse innovations meant to empower progressive state and local governments against mobile and predatory capitalism, greater political regionalism as antidote to what he sees as overwhelming national complexities (though he also favors a nationwide "Public Trust" that would "take the place of current elite and corporate ownership" of large-scale capital)—plus attentiveness to more garden-variety issues such as campaign-finance reform, protection of Social Security, and ways to solve the health-care and environmental messes we're in, among others.

Alperovitz claims proudly that he is guided by Tolstoy's dictum for intellectuals that "if you can't explain it to an ordinary peasant, that is your problem, not theirs." Setting aside the question of who is Tolstoy's peasant today, surely *America Beyond Capitalism* does not meet that test. Although it, like Sperling's book, is free of the complex data sets, regressions, equations, and multivariate analyses that define academic policy writing that no peasant (or nonacademic, for that matter) would read, it nonetheless bears chapter headings such as "Community, the Environment, and the 'Non-Sexist City'" that will sharply limit its audience.

In relentlessly listing dozens upon dozens of examples of what he sees as

the future alive today—from employee stock ownership plans (ESOPs) and community-development corporations to “publicly accountable enterprises,” community land trusts, and the like—Alperovitz insists that he is “no utopian” and indeed “tough-minded.” Some of the efforts he mentions are significant. There are, for example, now roughly 11,000 ESOPs, with assets greater than \$400 billion. Individual programs such as the Bedford-Stuyvesant Restoration Corporation, set up with the help of Robert Kennedy, have strong track records. And given that Americans now work more hours than even the Japanese, some sort of work-hour reduction system deserves serious consideration.

Invoking JFK’s dictum that “a rising tide lifts all boats,” Sperling says Democrats must accept that upper incomes will grow fastest. But, in today’s tides, low incomes may not rise at all.

But, despite his claims of tough-mindedness, not only are Alperovitz’s ideas far from authentic large-scale adoption; he is also too often willing to downplay their complex and sometimes quite disappointing results. His discussion of worker ownership, for example, skips past the bankruptcies of United Airlines and myriad troubles of Wierton Steel, the sometimes worker-unfriendly investment habits of public-sector and union pension funds, the declining fortunes of municipal utilities, or the fact that many of the innovative programs on his long list serve only a handful of people, often nearly invisibly. That in turn leaves him somewhat anxiously—though proudly, even defiantly—declaring to skeptics that his heroes are the forgotten men and women who fought for civil rights in the 1930s and ’40s, doing “the real work” that led to the victories of the ’50s and ’60s. But though it may be a consoling thought, to suggest that his “America beyond capitalism” might be just decades away scarcely seems tough-minded.

Further underscoring his determination that this book be an affirmation of

policy ideals more than a tactical manual for politics, Alperovitz does little more than mention in passing “globalization” (admittedly by now a hateful cliché, but at least a useful portmanteau); nor, just as discouragingly, does he speak of the Democratic Party. He does say he favors localism and regionalism as partial antidotes to the former, and “democracy with a small d” (aka “democracy from the ground up”) for the latter. But he never really says what he thinks of the “Big D,” its problems (let’s not get started), or quite how, if “little d” ever really got going, it could be grown to a federal scale.

Gene Sperling has no problem taking up either globalization or the Democratic Party question; in fact, they are in

some ways the heart and soul of *The Pro-Growth Progressive* and thereby produce a decidedly different set of recommendations for our future. The author spent four years as head of the National Economic Council, that Clintonian invention meant to put economic policy on the same level as the National Security Council’s foreign-policy portfolio. Sperling is unquestionably bright, and since leaving the White House five years ago has shuttled among the Center for American Progress, the Progressive Policy Institute, and the Council on Foreign Relations—and to judge from this book, is visibly eager to re-enter public service in the next Democratic administration.

The 1990s are to Sperling, who is 20 years younger than Alperovitz, what the 1960s seem to have been to the latter: that crystallizing moment in early adulthood when larger worldviews first mature. Alperovitz counts revisionist historian William Appleman Williams and radical economist Joan Robinson as personal mentors; Sperling, a college tennis star whose grades got him to Yale Law at the height of the Reagan era, not sur-

prisingly counts three Yalies—Robert Reich, and Bill and Hillary Clinton—as his. It was through that network that Sperling entered the 1992 campaign, and then the White House. Once there, however, he quickly gravitated to “the other Bob” (Rubin, not Reich), thereafter becoming a stalwart of the “deficit-reduction-first” camp, through which he steadily rose in power. And from those eight years, Sperling, not surprisingly, has absorbed a straightforward lesson: Deficit reduction and Clintonomics “worked,” and Clintonian, Third Way politics must—and will—be the future of the Democratic Party and the nation.

The book thus starts, much in the manner of Thomas Friedman and Jagdish Bhagwati, by making globalization inescapable. Hence, the duty of the Democratic Party is to prepare its constituency for constant change and intensive competition. The fact that there will be real losers as well as winners in this new world means to Sperling that “the Dynamism Economy”—driven by global capitalism and modulated but not really profoundly shaped by government—will determine who’s who in that race. To be sure, Sperling sees an affirmative role for government (he is, after all, a Democrat), but in place of the values of the New Deal, New Frontier, and Great Society, he offers a new social compact built on three not-so-new, and far from New Deal, “progressive values.” To wit: “Economic Dignity for Those Who Take Responsibility for Their Lives,” “Opportunities for Upward Mobility,” and a “Fair Start” in life for all. One need only note the prepositional phrase qualifying “economic dignity,” the declaration of “opportunities for” but not “upward mobility” itself, and the sharply delimited claim for a “fair start” rather than “fair outcomes” to sense the shotgun marriage of progressivism and social Darwinism that this compact represents. With Sperling we’re in the land of the Third Way.

In pursuit of his values, he then deploys dozens upon dozens of policy ideas—almost every one floated or implemented on a small scale over the past 15 years, a blizzard of proposals in the best Clintonian tradition—that leave one daz-

zled by their comprehensiveness, but with no confidence about which will work as proposals.

Sperling freely admits, for example, that many communities will be devastated by free trade, which he nonetheless favors as a sine qua non for "pro-growth progressives" (versus apparently "anti-growth" or "no-growth" progressives, whom he's a trifle slow in naming). But he then reassures us that "Dynamic Adjustment Zones"—drawn from the ideas of Jesse Jackson and Charles Rangel as well as Jack Kemp and Dennis Hastert and equipped with "Rapid Preresponse Units," "Preemptive Retraining Assistance," and "Flexible Education Accounts"—will serve to smooth the transition to a more prosperous future. Where the same free-trade policies produce pain for the Third World's poor, Sperling's bold vision is to promote "Universal Education," including Western aid totaling \$7 billion to \$10 billion a year for the basic training of 2 billion to 3 billion children.

Here in some ways Alperovitz and Sperling seem twins, trying to overwhelm us by the sheer numbers and seeming novelty of their proposals, whatever the likelihood of their implementation in the current political environment or their proportionality to the magnitude of problems they're attempting to solve. And it's here that one is reminded most clearly that political victories for policies are won with headlines, not details.

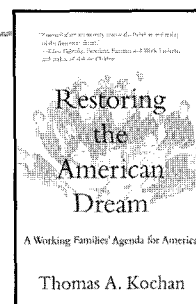
That is not to say that Sperling's book lacks headlines; rather, they seem torn from yesterday's news. The final part of the book, for example, is taken up with a return to core Clintonian and Rubinesque themes: the reasons for "fiscal discipline," and how to "fix" Social Security (rolling back some tax cuts, trimming some benefits, and introducing a 3-percent surtax on annual incomes greater than \$200,000). Simultaneously, he calls for increasing private savings through what he calls a "Universal 401(k)," suspiciously similar to Clinton's old "USA Accounts," which stalled and then died in Congress.

Although *The Pro-Growth Progressive* is clearly aimed at influencing domestic policy debates in the run-up to 2008,

reading the book reminded me of Paul Krugman's tart phrase, "It all sounds so very 1999." Something here is badly mistimed and off-kilter, but for reasons different from Alperovitz's difficulties in *America Beyond Capitalism*. For many who know Washington's small cadres of progressive policy folk, this seems too much an update of arguments that have gone on since the early 1990s between the Democratic Leadership Council (DLC) and more liberal policy intellectuals (like those affiliated with this magazine), a battle that is at its heart about the business-government balance, the inevitability of market-driven change, free versus fair trade, and the appropriate role of regulation.

Sperling—who plants his feet in the DLC camps while extending his hand to his more liberal friends—believes that the sheer fiscal madness of the Bush White House makes '90s-style fiscal discipline all the more necessary. But he is slow to sound alarms on the widening of inequality, and his pro-growth agenda doesn't really address that problem. Invoking John F. Kennedy's dictum that "a rising tide lifts all boats," Sperling is quite open in insisting that Democrats must accept the reality that upper incomes will grow faster than middle and lower incomes—and that that is all right, as long as the latter are growing, too.

This strategy "worked" in the '90s, though the boats of the bottom 90 percent rose only in the last four years before beaching once again since. But today there is no soaring stock market, underlying high-tech boom, or record-low unemployment. As I write, General Motors has made unprecedented cuts in its health-care program, and its parts supplier Delphi has demanded a reduction—by two-thirds—of its employees' wages. This follows on United and other airlines off-loading billions in pension liabilities, plus further announcements of outsourcing by telecoms and high-tech companies. And all of this is taking place as American corporations report record profit margins but negligible reinvestment in domestic plants and equipment. How Sperling's remedies cure these ailments never becomes clear.



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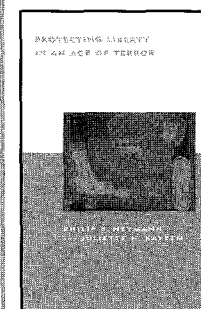
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Neither Alperovitz nor Sperling, therefore, makes good on his claims. Alperovitz expresses ideal ends that he unconvincingly defends as realistic because little seedlings can be seen about us. And Sperling has written an election-driven strategy manual reminding us that, like the proverbial generals, policy intellectuals are always preparing to fight the last war. Both books, for those willing to rummage through them, offer dozens of narrowly

interesting ideas, but neither convinces us that the Rosetta stone of progressive economics—a coherent, generous, far-sighted, and electorally promising policy for Democrats—has yet been found. **TAP**

Richard Parker is the author of John Kenneth Galbraith: His Life, His Politics, His Economics. He teaches at the Harvard University's John F. Kennedy School of Government.

BOOKS

THE TRUTH ABOUT THE SENATE

THE MOST EXCLUSIVE CLUB: A HISTORY OF THE MODERN UNITED STATES SENATE BY LEWIS L. GOULD Basic Books, 416 pages, \$27.50

BY SAM ROSENFELD

DURING LAST SPRING'S FIGHT over the proposed "nuclear option" banning judicial filibusters, it was slightly troubling to hear the Democrats' repeated paeans to the sacred majesty of the Senate and its anti-majoritarian features such as the filibuster. On the Senate floor, Minority Leader Harry Reid praised the filibuster for "preserv[ing] our limited government"—an accurate claim that could be extended to the whole institution. After all, the procedures and structures that make the upper chamber "the world's greatest deliberative body" render it a forbiddingly sluggish *lawmaking* body. But that sluggishness has hardly been an entirely positive force, especially for the progress of American liberalism.

In the introduction to his new history of the modern Senate, Lewis L. Gould describes having begun his research "with the belief that the upper house had compiled a record that, with some notable exceptions, brought enduring credit on the institution," only to become "somewhat disillusioned" upon further study. Too often, he writes, the Senate has "genuinely impede[d] the nation's vitality and evolution." By the time we reach the book's unremittingly grim conclusion, we are told that the upper house is "an enemy of effective governance," and that shrinking its role to something closer to the British House of Lords might result in better lawmaking.

The negative cast of Gould's account here is striking, but his pessimism is both warranted and persuasively expressed. It's difficult to come away from reading this breezy and engaging survey without being impressed by the Senate's historic role, not just as a "cooling saucer" for legislation but as a bottleneck stifling popular and necessary government action. In our current, dire political moment, of course, many liberals have discovered a new appreciation for the obstructive potential of the Senate, as it serves as a moderating influence on the hard-right policies pushed by the GOP House majority and the president. But Gould complicates the picture by reminding us that the Senate has usually given liberals more grief than cause for celebration.

A history of the upper chamber from Teddy Roosevelt's presidency to George W. Bush's re-election, *The Most Exclusive Club* focuses primarily on the institutional role that the Senate has filled in the American system. Along the way, Gould manages to poke holes in the inflated historical reputations of some of the chamber's most famous figures while reviving the names of others who left a lasting institutional legacy.

These revisionist evaluations probably constitute the book's most valuable contribution to Senate scholarship. While emphasizing figures who helped institutionalize both the tactics of obstruction

and the clubby atmosphere that so characterize the body, Gould also singles out senators who managed effectively (if temporarily) to wrest sustained action from the chamber despite its overwhelming tendency toward stasis.

He argues, for example, that the Progressive Era reforms of Woodrow Wilson's first term can largely be laid on the shoulders of a now-forgotten single-term senator from Idaho, John Worth Kern, who worked tirelessly as Democratic caucus chair (the position now known as majority leader) to whip his party into a disciplined and effective parliamentary-style force. Riding the crest of popular outrage at Senate corruption and decadence in the era of conservative Republican rule, reformist Democrats gained control of their own party and a majority in the upper house in the 1912 elections. Kern seized the opportunity to place progressives in charge of the powerful Senate Steering Committee, which meant in turn that fellow reformers would gain key committee chairmanships. He also created the post of party whip to address chronic problems of indiscipline and absenteeism. Together with Wilson, Gould writes, Kern "produced one of the rare constructive bursts of sustained lawmaking in the Senate's modern history," not to be repeated for decades to come. While certain innovations like the whip position survived after Kern, the institution's general bias toward inaction and the conservatism that was a byproduct of the seniority system returned soon enough.

Gould is also persuasive in his bouts of idol smashing. Senators famous long after their time for eloquent oratory or a high-minded bearing are often exposed in these pages as windbags with little substantive achievements to show for their pretensions. Of the famous western progressive William Borah, Gould writes, "[T]he 'Lion of Idaho' was often more blather than accomplishment"; the legendary Robert La Follette of Wisconsin, the author contends, similarly proved more adept at cultivating fame than delivering substantively on his beliefs. Pomposity combined with endemic inaction is the common affliction

tion of members throughout the book. Meanwhile, Gould argues that Lyndon Johnson's famous tenure as majority leader ultimately left no lasting impact on the Senate itself. Johnson had an opportunity to transform his office in ways that would have made the Senate a more effective, dynamic, and progressive law-making body, but he declined to pursue those possibilities.

The Senate's history as a graveyard of progressive reform is, unavoidably, Gould's all-pervasive theme. From the iron grip exercised at the beginning of the century by archconservative Rhode Island Senator Nelson Aldrich and his allies (who expressed concern that the new president, Teddy Roosevelt, would try to "do things" while in office) to the midcentury conservative coalition of southern Democrats and northern Republicans that long obstructed civil rights and social reforms, power in the Senate has thrown up barriers to liberal innovation. Only during a few periods in the last century have those barriers cracked open. The three major examples of such openings—the first terms of both Wilson and Franklin Delano Roosevelt and the early years of Johnson's presidency—involved confluences of events and political fortunes that proved impossible to sustain.

During more ordinary political times, the Senate's procedural veto points and decentralized structure have ensured its function as a legislative roadblock. The filibuster is the most famous of such procedures, and Gould's account makes it abundantly clear that on various fronts—from civil rights to labor law to health care—the filibuster has stood in the way of necessary reform.

Somewhat less compellingly, Gould adds endemic ethical foibles to his bill of indictment against the Senate, ruminating at length on the body's long-standing culture of alcoholism; its insular, old boys' club elitism; and individual members' penchant for corruption, self-aggrandizement, and egotistical grandstanding. Unfortunately, Gould too often attributes these problems solely to the moral failings of individual members, when their recurrence throughout the Senate's history

would seem to indicate the existence of some broader underlying causes.

Indeed, if there's one shortcoming to Gould's work in this book, it's a failure to identify the deeper *institutional* bases of the Senate's problems. As a result of the demographic realities and financial burdens of statewide electoral politics, the Senate will almost invariably be whiter and wealthier than the House. The body's numerous obstructive procedural mechanisms and the structural elements that lend individual members so much independence are precisely what encourage petty corruption, pork barreling, and the easy ability of special interests to block progressive reforms. Party leaders have so little ability to instill discipline in their caucuses that individual senators often act like free agents in search of celebrity and higher office rather than as members

ble-edged sword. Gould traces the Senate's recent trend toward polarization, and he counts the decline in civility and rise in destructive partisanship among the modern, lamentable failings of the body. To be sure, from a liberal's perspective, the collapse of congressional oversight of the executive branch and the Republican majority's unprecedented ability to pass destructive legislation with thin majorities have been baleful developments. But a case can be made that, to the extent that the Republicans effect a lasting transformation of the Congress into a more parliamentary-style institution, liberalism stands to gain the most.

As historian Julian Zelizer has detailed, this was precisely the goal of the mid-20th century liberal reform coalition pushing for procedural changes in

If Republicans effect a lasting transformation of the Congress into a more parliamentary-style institution, liberalism stands to gain the most.

of a team trying to deliver on a coherent policy agenda.

To be sure, such independence also enables members to turn the Senate into a bully pulpit—often through high-profile hearings that have played an important role at key moments of American history. Gould recounts, for instance, the Foreign Relations Committee's famous hearings on the Vietnam War in 1966 and '67 (led by William Fulbright), which "undercut the rationale for the conflict" and showed "how the Senate could impact popular opinion." Senators' famous egos and the comparative leeway they've enjoyed to challenge party leaders have often had the salutary effect of encouraging oversight and accountability, though their independence just as often has led merely to ineffectual grandstanding and sometimes—as in the case of Joe McCarthy—something far more pernicious.

Thus, the improvement in party discipline recently mustered by the GOP in the Senate, particularly during Bush's presidency, offers something of a dou-

Congress, such as filibuster reform and strengthened power for party leaders (the latter of which echoed the short-lived changes Kern had pioneered in the Progressive Era). Assuming that party control does change hands eventually, liberalism simply has more to gain than conservatism from an institutional regime that allows for easier passage of laws—which is to say, a greater ability to "do things" in power.

The question to ask is whether the short-term legislative damage from Republican control will outweigh the potential long-term gains from future Democratic majorities' ability to push through expansive legislation. Gould's history hardly resolves the question. But it may encourage liberals to look beyond their present troubles to a time when they will control the institutional levers that the Republicans are strengthening.

So, go ahead, Senator Frist, take away that judicial filibuster, and imagine who a Democratic president and Senate might be able to put on the Supreme Court. **TAP**

The Two Darwinisms

BY ROBERT B. REICH

THE CONSERVATIVE MOVEMENT IS NOW MOUNTING a full-throttled attack on Darwinism even as it has thoroughly embraced Darwinism's bastard child, social Darwinism. On the face of it, these positions may appear inconsistent. What unites them is a profound disdain

for science, logic, and fact.

In *The Origin of Species*, published 150 years ago, Darwin amassed evidence that mankind evolved from simpler forms of life through a process he called "natural selection." This insight became the foundation of modern biological science. But it also greatly disturbed those who believe the Bible's account of creation to be literally true. In recent years, as America's conservative movement has grown, some of these people have taken over local and state school boards with the result that, for example, Kansas' new biology standards now single out evolution as a "controversial theory." Until a few weeks ago, teachers in Dover, Pennsylvania, were required to tell students that they should explore "Intelligent Design" as an alternative to evolution. (The good citizens of Dover just booted out the school board responsible for this, summoning a warning from Pat Robertson that they have no right to expect God's help should disaster befall them.)

Social Darwinism was developed some 30 years after Darwin's famous book by a social thinker named Herbert Spencer. Extending Darwin into a realm Darwin never intended, Spencer and his followers saw society as a competitive struggle where only those with the strongest moral character should survive, or else the society would weaken. It was Spencer, not Darwin, who coined the phrase "survival of the fittest." Social Darwinism thereby offered a perfect moral justification for America's Gilded Age, when robber

barons controlled much of American industry, the gap between rich and poor turned into a chasm, urban slums festured, and politicians were bought off by the wealthy. It allowed John D. Rockefeller, for example, to claim that the fortune he accumulated through the giant Standard Oil Trust was "merely a survival of the fittest ... the working out of a law of nature and a law of God."

The modern conservative movement has embraced social Darwinism with no less fervor than it has condemned Darwinism. Social Darwinism gives a moral justification for rejecting social insurance and supporting tax cuts for the rich. "In America," says Robert Bork, "the rich' are overwhelmingly people—entrepreneurs, small-business men, corporate executives, doctors, lawyers, etc.—who have gained their higher incomes through intelligence, imagination, and hard work." Any transfer of wealth from rich to poor thereby undermines the nation's moral fiber. Allow the virtuous rich to keep more of their earnings and pay less in taxes, and they'll be even more virtuous. Give the non-virtuous poor food stamps, Medicaid, and what's left of welfare, and they'll fall into deeper moral torpor.

There is, of course, an ideological in-

consistency here. If mankind did not evolve according to Darwinist logic, but began instead with Adam and Eve, it seems unlikely that societies evolve according to the survival-of-the-fittest logic of social Darwinism. By the same token, if you believe one's economic status is the consequence of an automatic process of natural selection, presumably you'd believe that human beings represent the culmination of a similar process over the ages. That the conservative mind endures such cognitive dissonance is stunning, but not nearly as remarkable as the repeated attempts of conservative mouthpieces such as the editorial pages of *The Wall Street Journal* and *The Weekly Standard* to convince readers that the conservative movement is intellectually coherent.

The only consistency between the right's attack on Darwinism and embrace of social Darwinism is the utter fatuousness of both. Darwinism is correct. Scientists who are legitimized by peer review and published research are unanimous in their view that evolution is a fact, not a theory. Social Darwinism, meanwhile, is hogwash. Social scientists have long understood that one's economic status in society is not a function of one's moral worth. It depends largely on the economic status of one's parents, the models of success available while growing up, and educational opportunities along the way.

A democracy is imperiled when large numbers of citizens turn their backs on scientific fact. Half of Americans recently polled say they don't believe in evolution. Almost as many say they believe income and wealth depend on moral worthiness. At a time when American children are slipping behind on international measures of educational attainment, when global competition is intensifying, and when the median incomes of Americans are stagnating and the ranks of the poor are increasing, these ideas are moving us rapidly backward. **TAP**

*It was Herbert
Spencer, not
Charles Darwin,
who coined the
term "survival
of the fittest."*



"Bush said, 'God speaks through me.' Funny, I thought God could conjugate subject and verb better than that."

—Molly Ivins

+



"We must suggest an alternative to the paths of greed and violence."

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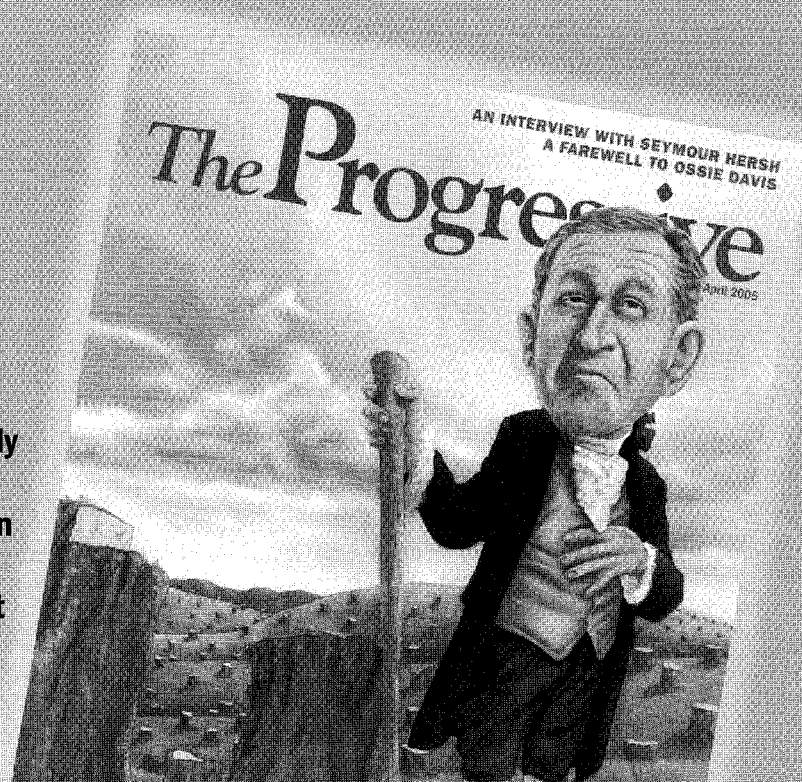


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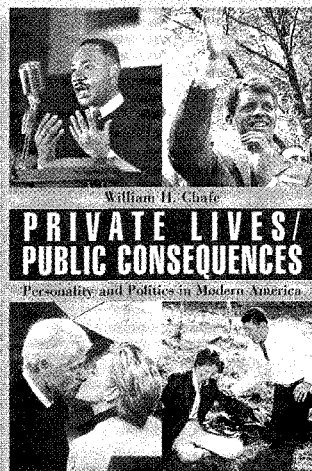
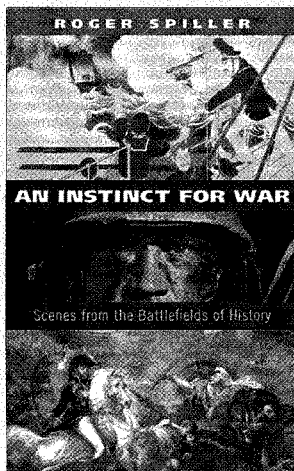
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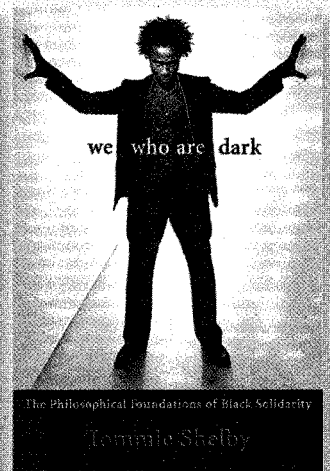
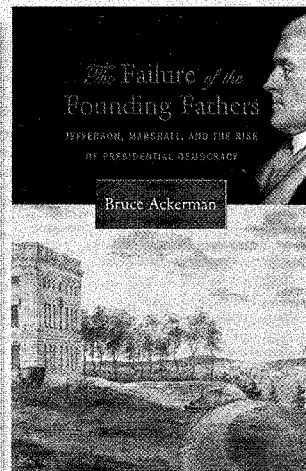
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